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SHAKESPEARE'S PORTIA
in
THE MERCHANT OF VENICE

by

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THE MERCHANT OF VENICE.

I

Introduction.

Perhaps in most of us there lives something of the spirit of adventure. We long for escape from the humdrum of our every-day life into the thrill of seeing strange lands, other peoples and customs; and of experiencing new emotions, such as these adventures would bring.

We embark on an adventure of sorts when we make a study of some character in story or drama. With this character as our starting-point, we take our way along roads leading us to fields of discovery that are new to us. As in other journeys, we make the acquaintance of fellow-travelers along the way--seasoned, well-informed travelers who have made the journey before us, with whose opinions we may compare our own, and in whose pleasure we may share. And, as the traveler, home-coming, greets again every familiar landmark with renewed delight, so we return to our starting point, the character we are studying, with increased appreciation of its familiar beauties.

In selecting Portia, in The Merchant of Venice, for such a study, I am choosing one for whom I have always had deep admiration and sincere liking. And, conceding that she is not one of the greatest of Shakespeare's heroines, perhaps, I make no apologies for selecting for this thesis a young woman who has retained her youth,

her beauty and charm for more than three centuries, and who continues to be addressed in the most glowing terms by those whose opinions we value.

Who is she, this lady of Belmont, whose father devised the plan of the caskets by means of which she must be won; who loved and wed the young Bassanio of her heart's choice, and who saved his friend from the bond of the cruel Shylock? Was she Shakespeare's own creation, or does she trace her ancestry back into that antiquity from which her story was drawn? That is one road along which this journey must lead.

There are other paths, too, which we must follow. One takes us, with the historians and critics as our guides, to the theatres for a study of the dramatic representations of Portia as given by the leading actresses of the past and present; another and more difficult trail leads us into the technical discussion of the law of the court scene, of which Portia was the exponent; and still another invites us into the company of those distinguished literary critics, with whose opinions of Portia we may venture to compare our own.

Surely from such a journey we must bring back a rich, new fund of experience; new memories for the storehouse of the mind; new problems and points of view for our consideration; and new conclusions to be drawn, or old ones to be retained in spite of conflicting opinions of fellow-travelers.

II

Portia and the Plots.

One of the first things we learn, when we start to familiarize ourselves with The Merchant of Venice, is that Shakespeare did not originate his plots, but, like others of his time, made selections here and there from the old ballads, fables, and chronicles that were available and moulded them into dramatic presentations capable of achieving popularity with the people of his day.

Knowing this, we naturally wonder whether or not he borrowed the characters for his plays from these older sources, also.

In The Merchant of Venice Portia is closely connected with both the story of the caskets and that of the pound of flesh, or bond story; and also with the incident of the rings, which brings us to the happy ending of the play. Both of the stories which form the plot are found in the literature of an earlier day, and we may profitably search this source material to see if we can find there a character resembling Shakespeare's Portia. If we do not, we may reasonably conclude that the critics are right when they say that Shakespeare may have borrowed his plots, but that his characters are his own; and we shall want to consider for a little the comparative value and importance of character and plot.

Briefly put, the sources of the plot of The Merchant of Venice are as follows:

> In the plot of The Merchant of Venice two distinct stories--that of the bond and that of the caskets--are skilfully interwoven. Both are found in the Gesta Romanorum, a Latin collection of fictitious narratives, which had been

translated into English as early as the time of Henry VI. It is probable, however, that Shakespeare was indebted, directly or indirectly, for the incidents connected with the bond to a story in Il Pecerone, a collection of tales by Giovanni Fiorentino, first published at Milan in 1558, though written almost two centuries earlier. In this story we have a rich lady at Belmont, who is to be won on certain conditions of a nature unsuited for dramatic purposes; and she is finally won by a young merchant, whose friend, having become surety for him to a Jew under the same penalty as in the play, is rescued by the adroitness of the married lady, disguised as a lawyer. She receives, as in the play, her marriage ring as a gratuity, and afterwards banters her husband, as Portia does, upon the loss of it. An English translation of the book was extant in Shakespeare's time.

Possibly the dramatist was somewhat indebted to The Orator, translated from the French of Alexander Silvayn (London, 1596.). Portions of the 95th Declamation in this book are strikingly like some of Shylock's speeches at the trial. It is doubtful whether the old ballad of Gernutus, which some critics believe that Shakespeare used, is earlier or later than the play; but even if it was earlier, it is improbable that he was indebted to it, or to sundry other versions of the story, in prose or verse, which editors and commentators have discovered.

There is good reason, however, to believe that the bond and casket legends had been blended in dramatic form before Shakespeare began to write for the stage. Stephen Gosson, a Puritan author, in his Schoole of Abuse (1579), excepts a few plays from the sweeping condemnation of his "plesaunt invective against Poets, Pipers, Plaiers, Jesters, and such-like caterpillers of a Commonwelth." Among these exceptions he mentions "The Jew, . . . representing the greedinesse of worldly chusers, and the bloody minds of usurers." We have no other knowledge of this play of The Jew; but the nationality of its hero and the double moral, agreeing so exactly with that of The Merchant of Venice, render it probable that the plots of the two dramas were essentially the same, and that Shakespeare, in this instance as in others, worked upon some rough model already prepared for him. (1)

In our search for a character resembling Portia we may discard all but one of the probable sources mentioned by Dr. Rolfe. No copy of the play The Jew, mentioned by Gosson, has come down to us, so

(1) The Merchant of Venice. Edited by William J. Rolfe. Introduction, pp. 23-24.

we cannot search for Portia there. Neither shall we find her in the 95th Declamation of The Orator, referred to above. This Declamation, given by Dr. Furness in the Appendix to his Variorum Edition of The Merchant of Venice, on pages 310-313, sets forth the arguments "Of a Jew, who would for his debt have a pound of the flesh of a Christian," and "The Christians Answere." No woman is mentioned in the Declamation. Its importance as source material lies in the similarity between some of the arguments and those used in the Trial Scene of the play. So far as Portia is concerned, we may also discard the ballad of Gernutus, which was mentioned by Warton, the first to attempt to identify the source of the plot, as being the probable foundation of the story of The Merchant of Venice. Dr. Furness gives us Bishop Percy's text of this ballad, which begins: (2)

In Venice towne not long agoe
  A cruel Jew did dwell,
Which lived all on usurie
  As Italian writers tell.

This ballad tells of "the marchant of great fame" who came to Gernutus, desiring to borrow from him "an hundred crownes" "for twelve month and a day," and of the terms Gernutus made with him.

No penny for the loane of it
  For one yeare you shall pay;
You may doe me as goode a turne,
  Before my dying day.

But we will have a merry jeast
  For to be talked long;
You shall make me a bond, quoth he,
  That shall be large and strong:

And this shall be the forfeyture;
  Of your owne fleshe a pound.
If you agree, make you the bond,
  And here is a hundred crownes.

(2) Horace Howard Furness, A New Variorum Edition of Shakespeare, Vol. VII, Appendix, pp. 288-292.

As in the play, "the marchant" found himself unable to pay when the bond was due, and the Jew cast him into prison, refused to take many times the amount of the debt, and stood upon his bond. No Portia came to "the marchant's" aid. It was the judge who warned the Jew to shed no drop of blood, neither cut more nor less than his pound of flesh, and who denied him the right to take the money he had previously refused.

It is in the collection of tales called Il Pecerone, of which Dr. Rolfe speaks, that we find a closer resemblance to the plot of The Merchant of Venice than anywhere else. The story forms the first novel of the fourth day, and the scene is laid in Venice. Briefly, it is as follows:

A rich merchant of Florence, about to die, bequeathed to his two eldest sons his property, and sent his youngest son, Gianetto, to Venice to his friend Ansaldo. Ansaldo welcomed Gianetto, gave orders to his servants that the youth should be obeyed, and delivered to him the keys of his ready money.

Later Gianetto was persuaded by two of his acquaintances to go to Alexandria with them, and Ansaldo furnished him with a fine ship for the journey. One morning, while on this journey, Gianetto saw a fine port, and, upon inquiry, was told that it belonged to a widow, and that she had ruined many gentlemen. He was further informed that the lady was beautiful and wealthy. She had decreed that any man arriving there must be her suitor. If he won, he would be made lord of the country; if he lost, he must lose all the possessions he had

brought with him.

Gianetto made the trial, and lost. The lady, true to her bargain, took his ship, but gave him a horse and sufficient money to enable him to return to Venice.

A second time Ansaldo outfitted for him a ship, and a second time Gianetto attempted to win the lady of Belmont. He was no more fortunate than before.

Undaunted, he resolved to make a third attempt, hoping to regain what he had lost in the other two ventures. In order to outfit him for this third voyage Ansaldo was obliged to borrow from a Jew at Mestri, on condition that the Jew might take a pound of flesh from any part of Ansaldo's body, if the sum were not repaid on the feast day of St. John in the next month of June.

In this third trial Gianetto was successful, thanks to the treachery of one of the lady's maids. He was married to the widow, and in his happiness forgot Ansaldo for a time. It was not until the day the money was due that he remembered his obligation to his godfather. When his wife heard the story she told him to go at once to Venice and to take ten times the sum of the debt with him. She also told him to bring Ansaldo back with him if he arrived in time to save him from the Jew.

The Jew had seized Ansaldo, but had consented to wait a few days before exacting the penalty, to give Gianetto a chance to arrive. He had refused all offers of payment, insisting upon his pound of flesh.

After Gianetto had left for Venice his wife followed him. She stopped at an inn, where she appareled herself as a man, and had her servants let it be known that "he" was a young lawyer who had finished "his" studies at Bologna. This "lawyer" had it proclaimed that he would determine upon legal matters for those who might apply to him.

Gianetto proposed to the Jew that they consult the lawyer. This they did, but the Jew refused offer of payment, and as he was going to take the pound of flesh the lawyer said, "If I see one drop of blood, off goes your head." Then, when the Jew, seeing himself defeated, would have taken payment, it was refused him.

In gratitude, Gianetto offered payment to the "lawyer", who refused the money, but requested the ring upon his finger. After protesting that it was the gift of his wife, and that she would think he had given it to another woman, Gianetto finally gave up the ring; and, when he returned home, his wife taunted him with the loss of it, finally disclosing the fact that she has it, and that she was the lawyer who saved Ansaldo's life.

In this we have something approaching Shakespeare's story of Portia. There is the rich woman, sought by numerous suitors; there is the successful suitor, whose patron has bound himself to a Jew for a sum to make the suit possible; there is the wife posing as a lawyer and saving her husband's friend; and lastly, there is the episode of the rings.

The story of the caskets is missing from this old tale. The conditions under which a suitor was to be judged successful were, we are told, not of a character that could be presented to an audi-

ence of Shakespeare's day.

Spedding (Cornhill Magazine, March 1880, p. 282), says: "I suppose nobody who reads this story and knows the play,--two conditions which do not seem to have been generally united,--will doubt that Shakespeare had either read or heard it, and that it was from this . . . that he derived his idea, not only of the forfeiture of the pound of flesh, but of the entire train of incidents, and the characters and relations of the persons of the drama. . . The original condition of the marriage, being at once unpresentable to a Shakespearean audience and irreconcilable with the lady's character as shown in the sequel, is rejected altogether; but, in substituting for it the device of the three caskets, care is taken to preserve all the essential features of the situation." (3)

We have noted the points of similarity between this old tale and the story of Portia; but there are also very great differences which we must consider.

The lady in Il Pecerone was a widow; Portia is a young girl. The former brought ruin upon her suitors, deliberately, by giving them drugged wine, and, while they were asleep, robbing them of their possessions; Portia conducted herself modestly and virtuously, obeying the terms of her father's will. The former gave herself as wife because she had been outwitted in her schemes; the other gave her love, even before her suitor had won the venture, because her heart dictated the choice. There is such inconsistency between the earlier and later conduct of the lady of Il Pecerone as to make her

(3) Horace Howard Furness, op. cit., pp. 303-304.

an unconvincing character; there is, in the development of the character of Portia, no such inconsistency. One is artificial, the other is real; one died years ago, except as source material for such purposes as the matter at hand; the other bids fair to live for many a generation to come.

From this investigation of source material I think we may safely conclude that it is plot, or story, which Shakespeare has borrowed, and not character. We can find nothing, outside of incident, which can have contributed to the Portia he has given us. And this borrowing of plots in no way lessens the value and significance of his work. As we are reminded in An Introduction to Shakespeare: "Never in the history of literature, as never in opera or in painting, has originality in the choice of subject been considered essential. The greatest poems of Keats, Longfellow, and Tennyson are created from old material; so are some famous poems of the present day, such as Tristram, by Edward Arlington Robinson, and John Brown's Body, by Stephen Vincent Benet; and Milton's sublime epic is based on the very oldest of stories, the creation of the world and the fall of man. . . This custom was particularly prevalent in the Elizabethan period, when fascinating romantic tales from Italy and France were available in translation, and manuscripts of old plays, the property of the theatrical companies, some of them already revised and rewritten several times, were at the disposal of the company's playwright if he wished to work them over. Shakespeare selects, combines, compresses, and reconstructs the incidents, often retaining many of the absurdi-

ties of the original plots. Sometimes he takes several stories from different sources and weaves them into one, as in The Merchant of Venice. . . In every instance of his revision of old plays he alters the false psychology and humanizes the whole. . ." (4)

It is the characters who give the play life and meaning, not the plot. Through their words, their actions and reactions, the dramatist conveys to us, not only the story with which he hopes to hold the interest of the audience for a few hours, but also its significance.

Our conclusion of the matter, then, must be that although Shakespeare is indebted to others for the plot of his play, the characterization, which is of far greater importance, is his own; and that in studying Portia, we are studying Shakespeare, the artist, himself.

(4) Ebenezer Charlton Black, Agnes Knox Black, and Jennie Y. Freeman, An Introduction to Shakespeare, pp. 108-109.

III

Portias of Three Centuries.

Plays are written primarily to be acted. Having been created by their author, they leave his hands to be interpreted and represented by the actors; and since the interpretation depends very largely upon the personality of the actor, we are bound to have dramatic representations that differ materially in many respects.

If we are to round out our picture of Portia, then, we must take into consideration not only what men of letters have to say in literary appreciation, but we must also examine the records of the theatre, and the biographies and autobiographies of famous actresses, to obtain what light we may on their conception of the character.

We have no dramatic criticism of the first performances of The Merchant of Venice, but of two things we may be fairly certain. First, that the part of Portia was played by a boy, because there were no women actors at that time. In fact, "There were few women in the audience at any time. Sometimes great ladies would come masked and some of the hucksters who sold fruit and flowers were girls, but the theatre was hardly a fit place for reputable women save on special occasions, though they witnessed the private performance of plays." (1) Second, in all probability Shylock would have been presented as a comic character, derided by an audience that would have rejoiced in his fall.

With even this much as a starting point, it is safe to assume

(1) Tudor Jenks, In the Days of Shakespeare, p. 59

that the romance,--the love story of Portia and Bassanio, dominated the play, and that the court scene was subordinate to this main action.

Today, of course, the story of the caskets, the charming love story of Portia and Bassanio,--everything in the play, in fact, fades into the background of the court scene, which has become all-important. I think we may well question whether Shakespeare intended it to be so.

According to William H. Fleming's analysis of the plot, the court scene is subordinate to the main action, the romance. He says, in part:

> The Main Action of this play is the love affair of Bassanio and Portia. Bassanio's love for Portia and his wooing of her is the Complicating Force. Flowing from this is the loan made by Shylock and the bond signed by Antonio. While this is very important, it is but a Sub-Action, an under-plot. If Bassanio had not been in love, and had not needed money to push his suit, the loan of three thousand ducats would not have been made. Hence, the Main or Exciting action is Bassanio's wooing of Portia. Portia is the Resolving Force. By means of her the complication caused by the bond is solved. The meeting point of these two forces is the Climax of the drama. (2)

Accepting Mr. Fleming's analysis, we naturally ask: Why is it that our modern representations of The Merchant of Venice have moved so far away from what we may assume was Shakespeare's plan in constructing this comedy? No longer does the love element dominate the play. It is subordinated to what has become, in modern times, the keystone of the drama,--the court scene, with Shylock, not Portia, as the dominant figure. In the later productions of the play, Portia has become almost a minor character. In fact,

(2) William H. Fleming, Shakespeare's Plots, p. 185.

Philip Hale, writing in the Boston Herald of November 11, concerning the latest production in Boston of The Merchant of Venice, devoted nearly all of his criticism to an analysis of the acting of Maurice Moskovitch, the Shylock of the piece. The other members of the company he dismissed in a few lines, and the acting of the Portia, Selena Royle, he mentioned not at all.

Similarly, a review in The Nation of May 18, 1916, of Sir Herbert Tree's production of The Merchant of Venice in New York, dismissed Elsie Ferguson's Portia with these few words: "The Portia of Miss Elsie Ferguson, very fair to look upon, was the work of a Shakespearean novice, utterly undistinguished in manner and diction." (3)

A few such criticisms set us to wondering. Have we been mistaken in our enthusiasm for Portia? Is she a minor character, of insufficient importance to at least warrant a comparison of her significance in the play with the actress's portrayal of the part? If Portia is, as Mr. Fleming tells us, the Resolving Force of the comedy, why is she so signally ignored by the dramatic critics of modern times? Is it Shakespeare's Portia or the actress's Portia that is lacking in force and significance? Has Shakespeare made the mistake of creating an ineffective and unconvincing character for the backbone of his play, or have the actresses who have attempted the portrayal of the part failed him somehow?

It is in part to search for an answer to some of these questions that I wish we might have some record of the performances of the play

(3) The Nation, May 18, 1916, Vol. 102, No. 2665, p. 551.

as given in Shakespeare's day. In all probability, Shakespeare himself had a hand in directing those earliest performances, and if that is so, they must have borne something of the stamp of his own conception of the manner in which the parts should be played. "Other times, other manners," to be sure, but may there not have been some lights and shades of emphasis, something more elemental in that earliest production that made for a more robust and vigorous comedy than the one we see today?

That question may never be answered, since no criticism has been found of that first production. Charles Wingate tells us, in fact, that "Shakespeare's Merchant of Venice seems to have been completely forgotten for a number of years after its production in the author's day, as it did not reappear even when the theatres were opened after the civil war." (4) (The theatres, closed by order of the Long Parliament in 1642, were not officially reopened until 1660.)

We may, however, trace the development of the part as it has been played by the outstanding actresses from the time of the earliest recorded dramatic criticism to the present day. Such an investigation is bound to yield much of interest and information, and may help us to draw certain conclusions regarding Portia and her significance in the play.

This task is made at once easy and delightful by a reference to C. E. L. Wingate's Shakespeare's Heroines on the Stage. There, in a chapter entitled "Portia (Merchant of Venice)", Mr. Wingate

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(4) C. E. L. Wingate, Shakespeare's Heroines on the Stage, p. 345.

has brought together the story of the Portias from the first one of whom we have record, Mrs. Bracegirdle (1701) to Mme. Modjeska, (1889). (5)

All that has come down to us about Mrs. Bracegirdle is an anecdote, and the statement that she was "handsome and discreet." The anecdote, which Mr. Wingate relates, is as follows:

> This Mrs. Bracegirdle, the first Portia of whom any trace can be found, was the beautiful actress whose sparkling black eyes snapped with anger on a certain night when, walking to the theatre, she was suddenly seized by the amorous Captain Hill, while the half-dozen soldiers he had hired to help him attacked the lady's escort, and the captain himself, with a noble friend, Lord Mohun, attempted to force her into a coach near by. It was the plan of the love-lorn officer to drive his lady to the nearest parson, and compel her to marry him; but her screams collected such a crowd of sympathizers that the brave captain sulkily relinquished his prey and disappeared. (6)

Other Portias of this day were Mrs. Bradshaw, Mrs. Barry, and Mrs. Hallam. They, with Mrs. Bracegirdle, all played in the version of the play written by George Granville, Viscount Lansdowne, which bore the title: The Jew of Venice. A Comedy. As it is Acted at the Theatre in Little-Lincolns-Inn Fields, by His Majesty's Servants. (7) This adaptation, which appeared in 1701, lasted, Dr. Furness tells us, just forty years, or until Charles Macklin, in 1741, transformed Shylock "from the grimacings of low Comedy to the solemn sweep of tragedy." (8)

"Macklin," Wingate tells us, "whose name had been abbreviated from M'Laughlin, had studied deeper into the character. He was sure that the part, as acted by the lively little comedian Dogget,--

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(5)C. E. L. Wingate, op. cit., 245.
(6) Ibid., pp. 245-246.
(7) Horace Howard Furness, A New Variorum Edition of Shakespeare, Vol. VII, Appendix, p. 346.
(8) Ibid., p. 346.

'the famous Mr. Thomas Dogget' Steele called him in The Tatler,--was fundamentally wrong in its conecption, and had therefore formed a noble plan, not only to drive from the stage that alteration by George Granville (Viscount Lansdowne) which, under the title The Jew of Venice, had taken the place of Shakespeare's text, but also to crush the burlesque Shylock with it." (9)

Much has been written of his success that night. Walter Prichard Eaton writes of it:

> At the fall of the curtain the walls of Old Drury shook with applause. Macklin had triumphed; a tradition of forty years had been swept into the dust bin; a new tradition had been established; the audience that night had seen something which not one of them had ever seen before. Pope is reported to have said, a few nights later--or a few years later--that they had seen the Jew that Shakespeare drew. At any rate, they had seen something whole worlds away from the Jew that Lansdowne drew. (10)

Macklin made one other contribution to the drama. "For the first time the character was dressed in appropriate clothes, such as the stage now sees, even to the red hat, which, as Macklin afterwards told Pope, he learned in an old history was a compulsory badge of the Jews of Venice, according to the law of the time." (11)

But what of the Portia of that evening of February 14, 1741, when Macklin scored his great triumph? The part was played by Kitty Clive, and Wingate says of her: "The jovial actress, with her delight for fun-making, had found pleasure in giving to Portia a coarse and even flippant character, transforming the trial scene into buffoonery by mimicking the great lawyer Murray, afterwards Lord Mansfield. . ." (12)

Kitty Clive never changed her conception and presentation of

(9) C. E. L. Wingate, op. cit., pp. 237-238.
(10) Walter Prichard Eaton, The Actor's Heritage, pp. 50-51.
(11) C. E. L. Wingate, op. cit., p. 239.
(12) Ibid., p. 240.

the part during her forty years in the theatre, and Wingate says:

> The frank old Dramatic Censor declared, "The applause she received in Portia was disgraceful both to herself and to the audience. She murdered the blank verse with a harsh, dissonant voice, and always turned the last scene into burlesque. . ." (13)

We can only assume that Kitty Clive was not a great actress, that she had a shallow mind, and that she was interested only in amusing the unthinking majority of her audience. Apparently she was incapable of distinguishing between farce and comedy, and unable to see the significance of Macklin's revival of the Shakespeare text.

What a revival that would have been if she had been able to match Macklin's Shylock with a Portia of like distinction!

The Portia of forty years later when Macklin, then nearing the century mark, made his final appearance in the rôle to which he had brought distinction, was Mrs. Pope. We are told that, though she was not beautiful, she was well trained, and that, in her forty years on the stage she never tarnished her good name. Wingate says of her:

> A star over all would this well-trained actress have been but for the appearance of a sun in the theatrical sky. In the glory of Mrs. Siddons, Mrs. Pope's shining talents were dimmed. (14)

Apparently Mrs. Pope brought to the part a keener intelligence and a greater sense of dignity than had Kitty Clive; but she also failed to measure up in one respect to the standard Macklin had set for the presentation of plays. As we have already seen, Macklin attempted reform in the matter of costuming by dressing himself appropriately and with historical accuracy in his portrayal of Shy-

(13) C. E. L. Wingate, op. cit., p. 240.
(14) Ibid., p. 242.

lock. Mrs. Pope, however, as Portia, arrayed herself in the robes and wig of an English, rather than a Venetian, lawyer.

Another Portia of this period was Peg Woffington, and the Dramatic Censor of 1770 says that "by her fine figure, elegant deportment, and bubbling spirits, energy, and archness (she) was accounted the best of Portias up to that date." Wingate tells us the following amusing anecdote about her:

> The night Peg Woffington played Portia the audience had a hearty laugh at her expense. Though graceful in gesture and animated in action, Peggy in voice had such limited power that, whenever a tragic speech was reached, and the actress tried to make it more effective by vocal strength, the result was disastrous. So, when Lorenzo exclaimed that night, "This is the voice, or I am much deceived, of Portia," and Portia replied, "He knows me, as the blind man knows the cuckoo, by the bad voice," the impolite audience laughed heartily at this unintentionally accurate description. Peg was good-humored, however, and joined merrily in the fun. (15)

The next Portia of whom we have record, who came to be acclaimed the greatest actress of the age, was Mrs. Siddons. In her first appearances, shortly after Christmas, 1775, she herself says she was "merely tolerated," and very soon after she was even dismissed from the company. Wingate quotes the critics of the day, concerning her first appearances, as follows:

> On before us tottered, rather than walked, a very pretty, delicate, fragile-looking young creature, dressed in a faded salmon-colored sack and coat, and uncertain whereabouts to fix either her eyes or her feet. She spoke in a broken, tremulous tone, and at the close of a sentence her words generally lapsed into a horrid whisper that was absolutely inaudible. After her first exit the buzzing comment went round the pit generally, "She certainly is very pretty, but then how awkward; and what a shocking dress!" . . . She improved in the famous trial scene,

(15) C. E. L. Wingate, op. cit., p. 246

> nearly recovering her self-control, and delivering the great speech to Shylock with critical propriety; but her voice was thin and weak, so that a part of the time it was lost to the audience. . . (16)

In 1803, twenty-seven years later, she formed one of a very strong cast, including John Kemble, her brother, as Antonio, Charles Kemble as Bassanio, and George Frederick Cooke as Shylock; and we are told that "the house rose to the actors all." (17)

Even although as a star Mrs. Siddons outshone all other actresses of her time, her portrayal of Portia in The Merchant of Venice seems not to have contributed to her fame. In fact, a contemporary of hers, James Boaden, says that in this part "the great enchantress quits her wand and the spells with which it could encircle her, to charm by personal graces and sensible elocution." (18) Although she did not lift her Portia to the eminence of some of her other character delineations, I think we may safely assume that she played the part with the dignity, grace and sweetness that characterized all her work, and brought it to a higher level than had been attained by her contemporaries or her predecessors.

More than three quarters of a century elapsed after this final performance of Portia by Mrs. Siddons, before another really great actress appeared to make her contribution to the part. To be sure, there were other Portias whose names have come down to us. There was Mrs. Glover, one of Charles Young's Portias; Miss Smith, later Mrs. George Bartley, who played Portia to Edmund Kean's Shylock, but who, Wingate tells us, "did little to help immortalize the performance;" (19) Helen Faucit, Isabel Glyn, and Laura Addison, who played

(16) C. E. L. Wingate, op. cit., 247-248.
(17) Ibid., p. 250.
(18) James Boaden, Memoirs of Mrs. Siddons, p. 351.
(19) C. E. L. Wingate, op. cit., p. 254.

the part acceptably; Mrs. Ogilvie, who played Portia to Macready's first Shylock; and Mrs. Charles Young, who had the honor of appearing as Portia with Edwin Booth when he first appeared in London, at the Haymarket Theatre. But it was not until November 1, 1879, that perhaps the most fascinating of all Portias took her place as the supreme and outstanding exponent of the part. It was Ellen Terry, and she played Portia to Henry Irving's Shylock.

She had appeared as Portia, to be sure, in 1875, under Bancroft management, at the Prince of Wales Theatre, the most fashionable theatre in London at that time. Of that earlier performance, Ellen Terry wrote as follows:

> My fires were only just beginning to burn. Success I had had of a kind, and I had tasted the delight of knowing that audiences liked me, and had liked them back again! But never until I appeared as Portia at the Prince of Wales' had I experienced the awe-struck feeling which comes, I suppose, to no actress more than once in a life-time--the feeling of the conqueror. . .
>
> The play ran for only three weeks, because Charles Coghlan failed in the part of Shylock. . .
>
> People felt that they were witnessing a great play with a great part cut out. . .
>
> It was a pity, if only because a more gorgeous and complete little spectacle had never been seen on the English stage. Veronese's "Marriage in Cana" had inspired many of the stage pictures, and the expenditure in carrying them out had been lavish.
>
> In the casket scene I wore a dress like almond-blossom. I was very thin, but Portia and all the ideal <u>young</u> heroines of Shakespeare ought to be thin. Fat is fatal to ideality!
>
> I played the part more stiffly and more slowly at the Prince of Wales than I did in later years. I moved and spoke slowly. The clothes seemed to demand it, and the

> setting of the play developed the Italian feeling in it, and let the English Elizabethan side take care of itself. The silver casket scene with the Prince of Aragon was preserved, and so was the last act, which had hitherto been cut out in nearly all stage versions.
>
> I have tried five or six different ways of treating Portia, but the way I think best is not the one which finds the heartiest response from my audiences. Has there ever been a dramatist, I wonder, whose parts admit of as many different interpretations as do Shakespeare's? There lies his immortality as an acting force. For times change, and parts have to be acted differently for different generations. Some parts are not sufficiently universal for this to be possible, but every ten years an actor can reconsider a Shakespeare part and find new life in it for his new purpose and new audiences. (20)

Wingate says of this earlier performance that "she had been praised for her rare skill in depicting the bold innocence, lively wit, quick intelligence, as well as the grace and elegance of manner, and all the youth and freshness of the character, though her performance was hampered then by a poor supporting company, headed by the tame, colloquial Jew of Charles Coghlan." (21)

Of her performance four years later, when she was playing with Henry Irving, Ellen Terry says:

> The Lyceum production of the Merchant of Venice was not so strictly archaeological as the Bancrofts' had been, but it was very gravely beautiful and effective. If there was less attention to details of costume and scenery, there was more attention to the play. . . (22)

She refers to a severe attack made in Blackwood's of her acting in the casket scene. It accused her of showing too much of a "coming-on" disposition. Regarding this she says:

> The unkind Blackwood's article which, report said was written by the husband of a Portia of other days, also blamed me for showing too plainly that Portia loves Bassanio before he has actually won her. This seemed to me

(20) Ellen Terry, Great First Nights at the Lyceum, MeClure's Magazine, Vol. XXX, p. 493.
(21) C. E. L. Wingate, op. cit., p. 255.
(22) Ellen Terry, op. cit., p. 493.

> unjust, if only because Shakespeare makes Portia say before Bassanio chooses the right casket: "One half of me is yours--the other half yours. . . All yours!
>
> Surely this suggests that she was not concealing her fondness like a Victorian maiden, and that Bassanio had assuredly won her love, though not yet the right to be her husband.
>
> Dr. Furnivall, a great Shakespearian scholar, was so kind as to write me the following letter about Portia:
>
> "Being founder and director of the New Shakespeare Society, I venture to thank you most heartily for your most charming and admirable impersonation of our poet's Portia, which I witnessed tonight with a real delight. You have given me a new light on the character, and by your so pretty by-play in the casket scene have made bright in my memory forever the spot which almost all critics have felt dull and I hope to say this in a new edition of Shakespeare.
>
> Again, those touches of the wife's love in the advocate when Bassanio says he'd give up his wife for Antonio, and when you kist your hands to him behind his back in the Ring bit--how pretty and natural they were! Your whole conception and acting of the character are so true to Shakespeare's lines that one longs he could be here to see you. A lady gracious and graceful, handsome, witty, loving and wise, you are his Portia to the life."

Apropos of this Miss Terry says:

> That's the best of Shakespeare, I say--his characters can be interpreted in at least eight different ways, and of each some one will say: "That is Shakespeare!" The German actress plays Portia as a low-comedy part. She wears an eighteenth-century law wig, horn spectacles, a cravat (this last anachronism is not confined to Germans), and often a moustache! . . . (23)

We are given a further comparison of her earlier and later performances in the following:

> Lady Pollock, who first brought me to Henry Irving's notice as a possible leading lady, thought my Portia better at the Lyceum than it had been at the Prince of Wales! (She wrote in part):

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(23) Ellen Terry, op. cit., pp. 494-495.

> "You were especially admirable in the casket scene. You kept your by-play quieter, and it gained in effect from the addition of repose--and I rejoiced that you did not kneel to Bassanio at 'My lord, my governor, my King.' I used to feel that too much like worship from any girl to her affianced, and Portia's position being one of command, I should doubt the possibility of such an action. . ." (24)

Of course such an actress as Ellen Terry was bound to be the recipient of many tributes to her art, and one of the most graceful ones that she received was a sonnet to her Portia, written by Oscar Wilde. It runs as follows:

> "I marvel not Bassanio was so bold
> To peril all he had upon the lead,
> Or that proud Aragon bent low his head,
> Or that Morocco's fiery heart grew cold.
> For in that gorgeous dress of beaten gold
> Which is more golden than the golden sun,
> No woman Veronese looked upon
> Was half so fair as thou whom I behold.
> Yet fairer when, with wisdom as a shield,
> The sober-suited lawyer's gown you donned
> And would not let the laws of Venice yield
> Antonio's heart to that accursed Jew--
> Oh Portia! take my heart; it is thy due:
> I think I will not quarrel with the bond." (25)

The Daily News of April 19, 1875, in a criticism of the revival at the Prince of Wales's Theatre of The Merchant of Venice, in which Ellen Terry scored such a triumph, says, in part, of her performance:

> This is indeed the Portia that Shakespeare drew. The bold innocence, the lively wit and quick intelligence, the grace and elegance of manner, and all the youth and freshness of this exquisite creation can rarely have been depicted in such harmonious combination. Nor is this delightful actress less successful in indicating the tenderness and depth of passion which lie under that frolicsome exterior. Miss Terry's figure, at once graceful and commanding, and her singularly sweet and

(24) Ellen Terry, op. cit., p. 495.
(25) Ibid., p. 492.

> expressive countenance, doubtless aid her much; but this performance is essentially artistic. Nor is there to be found in it a trace of the pedantry and affectation which distinguished critics have erroneously imagined to be essential features of the character. The lady clearly does not belong to the school who imagine that the whole art of acting consists in not acting at all. She is, on the contrary, very inventive in what the players call "business"--her emphasis is carefully studied, and her action and movements all receive that subtle infusion of colour which raise them into the region of art, and always prevent them from becoming commonplace. But, instead of being less natural on this account, sincerity and truth are stamped upon her entire performance. (27)

I think it is safe to conclude that of all the long line of English actresses, it was in the acting of Ellen Terry that the characterization of Portia reached the highest point of excellence.

We have had a fair share of Portias in this country, too, covering a period from the middle of the eighteenth century to the present time. Wingate gives us an interesting fact in connection with the earliest performance here of the play. He says:

> With the American stage The Merchant of Venice has an interesting connection, since it was the first play to be performed in this country by that company of players (Hallam's) which gave the impetus to the theatre on this soil. For a long time it was held that the Merchant production at Williamsburg, on the 5th of September, 1752, was the first performance of any play in America, except possibly by amateurs or strollers; but patient investigation has shown that three years before that time Philadelphians saw Addison's Cato, followed by other plays, acted by professionals. (28)

The Portia of this performance was a Mrs. Hallam, and we have no information concerning the manner in which she played the part. Fourteen years elapsed before The Merchant of Venice was presented again, and this time the Portia was Miss Cheer. In 1769 the New American Company produced the play at Annapolis, and Mrs. Osborne,

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(27) The Dramatic List, ed. by Charles Eyre Pascoe, pp. 306-308.
(28) C. E. L. Wingate, op. cit., pp. 256-257.

a heavy tragedy actress played the part of Portia. The records of this performance shed an interesting light on the theatre of that early day in our country. Wingate tells it in the following words:

> The curtain rang up at six P. M. in the "new" play-house. Gentlemen who desired to pay but five shillings sat, perforce, in the pit or upper boxes; those who could afford seven shillings six-pence chose the more fashionable lower boxes. Some of the cheaper seats were not easy of access, if we may judge by this advertisement in the paper of the day: "Upper boxes are now preparing, the passage to which must be from the stage; it is therefore hoped such ladies and gentlemen as choose to fix on them seats will come before the play begins, as it is not possible they can be admitted after the curtain is drawn up." (29)

The next Portia was Mrs. Morris, who played the part in Philadelphia in 1772. She graced the stage for a long period of time, in fact surviving all the players who were on the stage before the American Revolution.

A Mrs. Ryan played Portia in Baltimore, in 1782, but achieved fame, not in this part, but in that of Lady Teazle, of which she gave the first portrayal in this country.

The next Portia of whom we have record in Mrs. Eliza Whitlock, a sister of Mrs. Siddons and the Kembles. She had played Portia in England, and had had moderate success in the part. She appeared as Portia in this country during the years 1793 to 1796, and had the honor of playing before George Washington in Philadelphia. She had the first "star" engagement on the American stage, having been engaged for four hundred and fifty dollars and a benefit to play at the Boston Theatre in 1796.

The first Boston production of The Merchant of Venice was giv-

(29) C. E. L. Wingate, op. cit., p. 258.

en at the Federal Street Theatre on June 17, 1795, and the Portia was Mrs. Snelling Powell. She was followed by Mrs. Giles Leonard Barrett, the second actress to play Portia in Boston.

Later actresses were Mrs. Duff, Charlotte Cushman, and Mrs. Hoey. Charlotte Cushman is said to have been "thought admirable in the trial scene and other declamatory portions, but otherwise not great in the rôle;" while Mrs. Hoey "was with the elder Wallack when the Merchant had a run of thirty-three nights, the longest Shakespearean success chronicled up to that time." (30)

It is to be regretted that the information about the Portias of those early days is so meager. We have little record of them, save the historical evidence of their appearance in the part.

Mr. Wingate is able to tell us more about Mme. Modjeska, the last Portia he chronicles for us, however, and of her he writes:

> The last Portia of all, Mme. Modjeska, with her ever young face surmounted by a wealth of short but not close-cut wavy hair of golden brown, made an enticing figure for the love scenes of the play when she acted the part for the first time in America in 1889, on the occasion of her professional union with Edwin Booth. That her impersonation made no marked impression is certain, but yet in the comedy elements it had attractive qualities. The trial scene illustrated well her plan of refining nature. Clad in a cloak of black, that only in part concealed the youth's suit of jet beneath, Portia, resting her hand on the shoulder of the Jew, delivered the great mercy plea, not as an essay for the audience, or as an oration for the court to hear, but as a soft, touching request, uttered in a thoughtful and appealing tone to Shylock himself. (31)

Mr. Wingate concludes his chronicle of two centuries of Portias by saying: "Our Portias, for the most part, have proved either ordinary in the rôle, and thus best to be forgotten; or, having extra-

(30) C. E. L. Wingate, op. cit., pp. 262-263.
(31) Ibid., p. 263.

ordinary abilities, have left the part in order to take up characters that gave more opportunity for acquiring fame." (32)

Mr. Wingate seems to have done less than justice to Helena Modjeska, in his criticism of her Portia. At any rate, others have been more generous in their praise. For instance, Forrest Izard says of her:

> Great, however, as were Modjeska's achievements as a tragic actress, it was in Shakespearean comedy that, in the opinion of many, she succeeded most individually. Hers was essentially the imaginative style of acting, and to Rosalind, Viola, Beatrice and Portia she gave character and individuality as well as charm and grace. (33)

William Winter goes even further in lauding her powers as an actress. He writes:

> She was a fascinating image of noble womanhood as Portia. With the latter part her temperamental affinity was close; she was piquant in the expression of raillery and singularly felicitous in evincement of love; next to Ellen Terry,--an actress incomparable in that character,--she was the most gracious, gentle, lovable Portia that has been seen in our time. (34)

Another Portia of the late nineteenth century was Ada Rehan, who played Portia for the first time on November 19, 1898, in Daly's production of The Merchant of Venice. William Winter describes her delineation of the part as follows:

> Ada Rehan, as Portia, gave a performance combining innate loveliness of spirit with a fine aristocracy of demeanor. It happens that among all Shakespeare's heroines Portia, in the affection of that actress has ever been the favorite. She merged herself in the character; she was, in person, the dazzling white and golden beauty whom the poet has drawn; and in her acting she diffused the double charm of exquisite grace and deep feeling. . .
>
> Her demeanor in the Trial Scene, when Portia meets Shylock, was completely surcharged with goodness. She met

(32) C. E. L. Wingate, op. cit., p. 264.
(33) Forrest Izard, Heroines of the Modern Stage, pp. 86-87.
(34) William Winter, The Wallet of Time, p. 388.

> him on the ground of their common humanity, not believing possible such wickedness of purpose, such diabolical cruelty, as had been imputed to him. The reminder, "Shylock, there's thrice thy money offered thee," was spoken very gently, confidentially, in a way to appease the hardest of angry men. When the test failed her indignation made her implacable and from that point to the end she was the rigorous administrator of the exact law, committing the cruel Jew to his ruinous doom without one moment of compunction. . . (35)

The outstanding American actress of the late nineteenth and early twentieth century to play Portia was Julia Marlowe, although Portia was not one of her greatest portrayals. In fact, she had little sympathy with the part. Charles Edward Russell makes this clear in his book, Julia Marlowe. Her Life and Art. He says:

> Mr. Sothern won the great honors in this play (The Merchant of Venice) and Miss Marlowe rejoiced sincerely that this was so. Her Portia was charming to look at and melodious to hear, but for herself she would never have chosen to appear in it. She could find in it little that appealed to her and less to move her. A rich young woman won by a worthless lover and going disguised into a court to save her lover's friend from a peril that was after all fictitious--all the motives seemed insufficient. Nobody has ever been moving as Portia; nobody ever will be. To fit beautifully into the picture, to be winsome and gracious and to lug in the necessary levers to overthrow the monster of the piece, and so make an end--this was the book. She would not strain the book to make a stellar part not intended to be there. Everybody felt that this Portia was charming and adequate; that was enough. If critics were left unprepared by tradition for a Portia that was not evermore declaiming as a high lady, but could laugh and jest and be human, they must take her so here.
>
> She made a strong and telling contrast in the Casket Scene between her attitude toward the Prince of Morocco and her cleverly conveyed anxiety when Bassanio comes to the choosing, and the Trial Scene she handled entirely after her own researches. She could not conceive that a delicately reared woman, thrust suddenly into a court room filled with disputing men, could plausibly be made strident, oracular, or domineering. She therefore elected to play the young

(35) William Winter, Shakespeare on the Stage, pp. 213, 216.

> law student exactly as a law student, sent to deliver another man's opinion. There was one feature of this that deserved more attention than it ever received. She had reasoned to herself that as Portia knows all the time that Antonio is in no danger, to make her appear as seriously alarmed about him was inartistic and untrue. Playing therefore this unhandy rôle with full dignity and port, she still managed to convey her knowledge of Antonio's safety, which was not good tradition but struck her as good sense. As the audience is never deceived by Portia's disguise, however much the story requires the characters to be fooled by it, this touch seemed to establish her in a closer intellectual sympathy with her hearers. One thing she did in this scene earned the everlasting gratitude of every student; she read the oft-mangled Mercy Speech without an error. But she never cared much for the part, nor for the play as compared with some others of her master's, and her Portia will not be reckoned among her greatest successes. (36)

Mr. Russell gives us an interesting account of a discussion between Professor Rolfe and Miss Marlowe over this part, which deserves to be quoted. It is as follows:

> Professor Rolfe, the great Shakespearean, the editor of the Shakespeare most used in American schools, was one of her warmest friends, drawn to her, as so many other students have been, by the sure freemasonry of the study. On one occasion when he was present, Portia came up for discussion. Somebody remarked on the criticism I have mentioned that her Portia lacked stateliness, and Miss Marlowe said that she was sorry anybody found fault with her interpretation, but that she could not act any other person's Portia; she must act her own.
>
> Dr. Rolfe: My dear young lady, you are correct, perfectly correct. And to my mind, so is your Portia.
>
> Miss Marlowe: I am glad you like her. She is the only one I have--the only one I can find in the play for me, at least. I cannot see that the Trial Scene, whatever it may be for Shylock or Antonio, is the climax of the play for Portia. I think that is found in the Casket Scene where Bassanio makes his choice. Portia loved Bassanio; she wanted him to choose rightly; she was almost tempted to be forsworn to teach him how. And he did choose rightly. It seems to me that what she says then, that speech beginning,

(36) Charles Edward Russell, Julia Marlowe. Her Life and Art, pp. 339-341.

"How all the other passions fleet to air,"

is the deepest thing, the truest thing, in short, the most important thing she has to say.

Somebody suggested that there was the Mercy Speech.

Miss Marlowe: Yes, there is. But Portia thought that. The other speech she felt. And I am sure her emotions were stronger than her intellect, or she would have seen, which she did not, that Bassanio was not a very fine-grained person--a fortune-hunter who lets his best friend risk his life that he may be a fortune-hunter!

Dr. Rolfe: Though he does say

"In Belmont is a lady richly left"

he also says

"And she is fair."

He remembered that.

Miss Marlowe: But he didn't remember it first! (37)

And so, again, a woman has the last word!

To round out the picture of Miss Marlowe's Portia, Mr. Russell quotes Miss Marlowe herself in her own interpretation of the part. Miss Marlowe says:

I make her (Portia) simple in her manner and quiet in her dress; and, since she was only a girl after all, and unused to courts of law, I make her a little shy, and, because her being there, with all its serious intent and purpose, was rather comic, I make her a bit merry. (38)

So far the twentieth century has given us no other outstanding Portia, although the part has been played by both English and American actresses.

As we look back over the period of time which covers the presentations of The Merchant of Venice, we are forced to conclude that

(37) Charles Edward Russell, op. cit., pp. 359-360.
(38) Ibid., p. 361.

the Portias have not kept step with the Shylocks. Those eighteenth century actresses adhered to the tradition of an earlier day, even when a Macklin or a Kean brought new force to the impersonation of Shylock. They did not even follow Macklin's lead in an attempt to give historical accuracy in the costuming of the play. They seem to have brought to the part merely a desire to please their audience.

In the late eighteenth century acting improved, and we find such critical terms as "critical propriety," "personal grace," and "sensible elocution," being applied to the acting of the greatest actress of her time, Mrs. Siddons. But although a great actress, especially in tragic rôles, Mrs. Siddons seemed to lack an understanding of the character of Portia.

The nineteenth century gives us the greatest of Portias in Ellen Terry, who was most highly praised by critics and scholars alike.

In the twentieth century, Julia Marlowe's lack of sympathy with the part probably preventer her giving a great performance, commensurate with that of her co-star, E. H. Sothern.

But as for Charles Edward Russell's statement that nobody has ever been moving as Portia and nobody ever will be, there is surely room for difference of opinion. We find sufficient evidence to prove that many of these Portias gave pleasure to the people of their own day, and so should be considered adequate for their times, although somewhat lacking, when viewed from our twentieth century point of view.

Through the centuries there has been a growth, a refinement in

characterization which places the performance of a Marlowe or a Terry far above the uncouth antics of a Cleve; and it would seem extravagant to maintain that a still greater degree of achievement is impossible of attainment.

I agree with Ellen Terry that Shakespeare's immortality as an "acting force" lies in the difference of interpretation that can be given to the characters in his plays; and that different generations will and must produce different characterizations, suited to the mode of thought of the changing times.

The Jew of today occupies an entirely different standing than he did in the late sixteenth century, when the play was written; and a woman in the robes of a judge is no longer an unusual and almost unbelievable spectacle. Law, too, has moved far away from the ruder conceptions of justice which prevailed three centuries ago.

George Edward Woodberry says:

> It is one of the charms of art that it is not to be completely understood. . . The truth of art. . . does not seem to be all known, finished and finally stated, but on the contrary to be ever growing, more rich in significance, more profound in substance, disclosing heaven over heaven and depth under depth. The greatest books share our lives, and grow old with us; we read them over and over, and at each decade it is a new book that we find there, so much has it gained in meaning from experience of life, from ripening judgment, from the change of seasons in the soul. (39)

Mr. Woodberry's words apply with equal force to the drama. In fact, it seems to be just this idea that Ellen Terry had in mind when she said: "Every ten years an actor can reconsider a Shakespeare part and find new life in it for his new purpose and new audience. (40)

(39) George Edward Woodberry, Essay, "Two Phases of Criticism," in Criticism in America, pp. 66-67.

(40) Ellen Terry, loc. cit.

Surely he would be a pessimist indeed who would deny that the twentieth century might conceivably produce a Portia, who, thanks to the inheritance of three centuries of scholarship, would bring a new richness of significance to the part.

IV

Portia and the Law

Before we can reach an understanding of Portia that will satisfy reason and judgment, we must make still another excursion into the past. This one will carry us back again to the sources from which Shakespeare drew his plot of The Merchant of Venice, for a scrutiny of the law as set forth in the "Pound of Flesh" stories; the results of the investigation we must compare with Shakespeare's treatment of the same subject in the Trial Scene; and over against the two we must set the criticism of this technical phase of the play.

Such an investigation becomes imperative if we are to avoid the confusion that is sure to overtake us when we attempt to weigh the opinions, not only conflicting, but even diametrically opposed, of eminent lawyers and Shakespearean scholars.

If the matter were simply one of lawyers versus litterateurs, our problem would be somewhat simplified. In that event, the controversy might conceivably be just a matter of technical accuracy of the law as expounded in the play, as opposed to the more general treatment of the law along the lines of abstract or poetic justice.

Unfortunately, the matter is more complicated than that. Neither group shows a unanimity of opinion. Instead, we find lawyer opposed to lawyer, scholar to scholar.

We are confronted by statements concerning the law, and expressions of opinion that are most contradictory. Hazlitt refers to the "sound maxims of jurisprudence" in the Trial Scene; (1) Mrs. Jameson, on the

(1) William Hazlitt, Characters of Shakespeare's Plays, p. 208.

other hand, speaks of Portia's attempt to save the life of Antonio by any other means than "the legal quibble with which her cousin Bellario had armed her." (2) Campbell, also, writing in 1838, held that Shylock was the victim of a "legal quibble," while C. A. Brown, writing in the same year, failed to notice any ill-treatment of Shylock, so far as the law was concerned. (3) Of the more modern writers, Walter Prichard Eaton refers to Portia's "childish and illegal trickery," (4) while George Brandes decides that "the story illustrates the transition from the unconditional enforcement of strict law to the more modern principle of equity." (5)

As for the bond, here too we have conflicting opinions: One, maintained by Dr. Ihering, holds that "When the jurist undertakes to criticise it, he cannot say otherwise than that the bond was in itself null and void, in that its provisions were contrary to good morals. . ."; (6) the other, held by Dr. Kohler, cautions us that "the validity of Shylock's bond . . . is to be regarded not in the light of the jurisprudence of to-day, but of the period when debtors could be forced to pay with their flesh." (7)

Not only the bond and Portia's exposition of the law are the subject of controversy, but the court procedure, as well. Lord Campbell affirms that "the trial is duly conducted according to the strict forms of legal procedure;" (8) while Sir Sidney Lee holds that "no judicious reader of The Merchant of Venice . . . can fail

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(2) Anna Jameson, Shakespeare's Heroines, p. 38.
(3) Horace Howard Furness, A New Variorum Ed. of Shakespeare, Vol. VII, p. 405.
(4) Walter Prichard Eaton, The Actor's Heritage, p. 54.
(5) George Brandes, William Shakespeare, p. 157.
(6) Horace Howard Furness, op. cit., pp. 410,411.
(7) Ibid., p. 413.
(8) Sir Dunbar Plunket Barton, Links Between Shakespeare and the Law, pp. 146-147.

to detect a radical unsoundness in Shakespeare's interpretation alike of elementary legal principles and of legal procedure." (9)

In order to attempt to bring some order out of this apparent chaos of conflicting opinion, let us turn to the play. There Shylock makes his offer to Antonio in the following words:

> This kindness will I show.
> Go with me to a notary; seal me there
> Your single bond; and, in a merry sport,
> If you repay me not on such a day,
> In such a place, such sum or sums as are
> Express'd in the condition, let the forfeit
> Be nominated for an equal pound
> Of your fair flesh, to be cut off and taken
> In what part of your body pleaseth me. (10)

We recall that Antonio agreed to the terms, saying:

> Content, i'faith; I'll seal to such a bond,
> And say there is much kindness in the Jew. (11)

We remember that Antonio suffered loss upon loss, and found himself unable to repay the money he owed Shylock, and finally faces judgment in the Venetian Court of Justice. To that court comes Portia, dressed in the robes of a doctor of laws, and bearing a letter of introduction from the learned Bellario. The conduct of the case is turned over to her. Antonio confesses the bond; Portia admits its legality, and urges the Jew to be merciful. She asks if Antonio is not able to pay the sum, and Bassanio says:

> Yes, here I tender it for him in the court;
> Yea, twice the sum. If that will not suffice,
> I will be bound to pay it ten times o'er,
> On forfeit of my hands, my head, my heart;
> If this will not suffice, it must appear
> That malice bears down truth. And I beseech you,
> Wrest once the law to your authority;
> To do a great right, do a little wrong,

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(9) Sir George Greenwood, Shakespeare's Law, p. 17.
(10) The Merchant of Venice, ed. by William J. Rolfe, (edition used for all quotations), Act I, Sc. iii, lines 139-147.
(11) Ibid., lines 148-149.

And curb this cruel devil of his will. (12)

Portia replies:

It must not be. There is no power in Venice
Can alter a decree established;
'T will be recorded for a precedent,
And many an error by the same example
Will rush into the state. It cannot be. (13)

Shylock refuses thrice the money, and charges Portia to proceed to judgment. This she does, but we remember that she asked Shylock if he had scales at hand to weigh the flesh, and that she charged him:

Have by some surgeon, Shylock, on your charge,
To stop his wounds, lest he do bleed to death. (14)

And when Shylock asked:

Is it so nominated in the bond? (15)

Portia replied:

It is not so express'd; but what of that?
'T were good you do so much for charity.(16)

At last the moment comes when Shylock may take his pound of flesh from Antonio, but just as he says to Antonio, "Come, prepare!", Portia halts him with the words:

Tarry a little; there is something else.
This bond doth give thee here no jot of blood;
The words expressly are, a pound of flesh.
Take then thy bond, take thou thy pound of flesh;
But, in the cutting it, if thou dost shed
One drop of Christian blood, thy lands and goods
Are, by the laws of Venice, confiscate
Unto the state of Venice. (17)

Shylock, seeing his defeat, says he will take thrice the amount of the bond, and let the Christian go, but is told he shall have nothing but the penalty. Again Portia addresses him:

Therefore prepare thee to cut off the flesh.

(12) Act IV, Sc. i, lines 202-210.
(13) Ibid., lines 211-215.
(14) Ibid., lines 250-251.
(15) Ibid., line 252.
(16) Ibid., lines 253-254.
(17) Ibid., lines 298-305.

Shed thou no blood, nor cut thou less nor more
But just a pound of flesh; if thou tak'st more
Or less than a just pound, be it but so much
As makes it light or heavy in the substance,
Or the division of the twentieth part
Of one poor scruple--nay, if the scale do turn
But in the estimation of a hair,
Thou diest, and all thy goods are confiscate. (18)

Shylock then would be content to take his principal, and go, but Portia denies him the money, saying:

He hath refused it in the open court;
He shall have merely justice and his bond. (19)

She will not even allow him to leave the court, but halts him with the words:

Tarry, Jew;
The law hath yet another hold on you.
It is enacted in the laws of Venice,
If it be prov'd against an alien
That by direct or indirect attempts
He seek the life of any citizen,
The party 'gainst the which he doth contrive
Shall seize one half his goods; the other half
Comes to the privy coffer of the state;
And the offender's life lies in the mercy
Of the duke only, 'gainst all other voice.
In which predicament, I say, thou stand'st;
For it appears, by manifest proceeding,
That indirectly, and directly too,
Thou hast contriv'd against the very life
Of the defendant, and thou hast incurr'd
The danger formerly by me rehears'd.
Down therefore, and beg mercy of the duke. (20)

The Duke, we remember, pardons Shylock's life, grants one-half his wealth to Antonio, and further decrees:

The other half comes to the general state,
Which humbleness may drive unto a fine. (21)

Antonio intercedes, saying:

So please my lord the duke and all the court

(18) Act IV, Sc. i, lines 317-325.
(19) Ibid., lines 331-332.
(20) Ibid., lines 339-356.
(21) Ibid., lines 364-365.

To quit the fine for one half of his goods,
I am content, so he will let me have
The other half in use, to render it,
Upon his death, unto the gentleman
That lately stole his daughter.
Two things provided more,--that, for this favour,
He presently become a Christian;
The other, that he do record a gift,
Here in the court, of all he dies possess'd,
Unto his son Lorenzo and his daughter. (22)

And Shylock is forced to say: "I am content." (23)

Now let us compare this story of the bond and the trial with the ballad of Gernutus, to which I have already referred. The following stanzas of the ballad, which Warton, one of the earliest of the critics believes to have preceded the play, The Merchant of Venice, (24) show the striking similarity of incident between the two:

In Venice towne not long agoe
A cruel Jew did dwell,
Which lived all on usurie
As Italian writers tell.

. . . . . .

Within that citie dwelt that time
A marchant of great fame,
Which being distressed in his need,
Unto Gernutus came;

Desiring him to stand his friend
For twelve month and a day;
To lend to him an hundred crownes;
And he for it would pay

Whatsoever he would demand of him,
And pledges he should have,
No (quoth the Jew with flearing lookes)
Sir, aske what you will have.

No penny for the loane of it
For one yeare you shall pay;

(22) Act IV, Sc. i, lines 373-383.
(23) Ibid., line 387.
(24) cf. Horace Howard Furness, op. cit., p. 292, Appendix.

You may doe me as goode a turne,
  Before my dying day.

But we will have a merry jeast
  For to be talked long;
You shall make me a bond, quoth he,
  That shall be large and strong:

And this shall be the forfeyture;
  Of your owne fleshe a pound.
If you agree, make you the bond,
  And here is a hundred crownes.

With right good will! the marchant says:
And so the bond was made. . . (25)

The merchant was unable to pay at the appointed time, and Gernutus had him put in prison, and sued upon his bond. The second part of the ballad describes the trial, and is as follows:

Some offered for his hundred crownes
  Five hundred for to pay;
And some a thousand, two or three,
  Yet still he did denay.

And at the last ten thousand crownes
  They offered him to save,
Gernutus said, I will no gold,
  My forfeit I will have.

A pound of fleshe is my demand,
  And that shall be my hire,
Then sayd the judge, Yet my good friend,
  Let me of you desire

To take the flesh from such a place,
  As yet you let him live;
Do so, and lo! an hundred crownes
  To thee here will I give.

No: no: quoth he, no: judgement here:
  For this it shall be tride,
For I will have my pound of fleshe
  From under his right side.

It grieved all the companie
  His crueltie to see

(25) Horace Howard Furness, op. cit., pp. 288-289, Appendix.

For neither friend nor foe could helpe
  But he must spoyled bee.

The bloudie Jew now ready is
  With whetted blade in hand,
To spoyle the bloud of innocent,
  By forfeit of his bond.

And as he was about to strike
  In him the deadly blow:
Stay (quoth the judge) thy crueltie;
  I charge thee to do so.

Sith needs thou wilt thy forfeit have,
  Which is of flesh a pound:
See that you shed no drop of bloud,
  Nor yet the man confound.

For if thou doe, like murderer,
  Thou here shalt hanged be:
Likewise of flesh see that thou cut
  No more than longes to thee;

For if thou take either more or lesse
  To the value of a mite,
Thou shalt be hanged presently
  As is both law and right.

Gernutus now waxt franticke mad,
  And wotes not what to say;
Quoth he at last, Ten thousand crownes,
  I will that he shall pay;

And so I graunt to set him free.
  The judge doth answere make;
You shall not have a penny given;
  Your forfeyture now take.

At the last he doth demaund
  But for to have his owne,
No, quoth the judge, doe as you list
  Thy judgement shall be showne.

Either take your pound of flesh, quoth he,
  Or cancell me your bond.
O cruel judge, then quoth the Jew,
  That doth against me stand!

And so with griping grieved mind
  He biddeth them fare-well,

Then all the people prays'd the Lord
That ever this heard tell. (26)

. . . . . .

The points of similarity between this ballad and the play are striking. Here, as in The Merchant of Venice, we have a merchant borrowing from a Jew; a bond, made "in merry sport" or "merry jest;" and the forfeiture of a pound of flesh. We also have, in both stories, the Jew refusing to accept many times the amount due him in place of the pound of flesh which he demands. In the ballad we have the judge appealing to the Jew to take the flesh from some part of the merchant's body that will enable him to live, while in the play Portia requests Shylock to have a surgeon near by to prevent Antonio's bleeding to death. In both, the Jew is unwilling to take any measure to preserve the life of his victim.

Then in both stories the Jew is warned, in the ballad by the judge, in the play by Portia, not to shed a drop of blood, nor to cut either more nor less than the exact amount of flesh to which he is entitled. Both stories show us also the Jew, when he finds himself thwarted in his plan to kill his victim, willing to accept the full amount offered him in lieu of his forfeit, or even the amount nominated in the bond; but denied everything except the privilege of taking the pound of flesh which he had demanded in the court.

In the Italian novel Il Pecerone, written in 1378, we find a similarity to the plot of The Merchant of Venice more striking, in some respects, than that shown by the ballad of Gernutus.

This ancient story tells of a merchant, Ansaldo, who borrows

(26) Horace Howard Furness, op. cit., pp. 290-291.

a sum from a Jew at Mestri to provide his godson, Giannetto, with the means to make a third attempt to win the rich widow of Belmont; and the terms of the bargain between Ansaldo and the Jew are told in the following passage:

> . . as he wanted still ten thousand ducats, he applied himself to a Jew at Mestri, and borrowed them on condition that if they were not paid on the feast of St. John in the next month of June, the Jew might take a pound of flesh from any part of his body he pleased. Ansaldo agreed, and the Jew had an obligation drawn, and witnessed, with all the form and ceremony necessary; and then counted him the ten thousand ducats of gold. . . (27)

Here, we notice, nothing is said about the bond having been made "in merry sport." Apparently it was a business transaction, and considered as such by both parties.

The godson, Giannetto, won the widow, and lived with her very happily until on St. John's day he was reminded of the obligation of Ansaldo to the Jew. Then his wife, seeing his distress and being informed of the cause of it, sent him to Venice with ten times the amount of money due the Jew, and urged him to bring Ansaldo back with him if Ansaldo were still living.

We recall that Portia showed equal generosity when she was informed of Antonio's plight, by saying to Bassanio:

> What, no more?
> Pay him six thousand, and deface the bond;
> Double six thousand, and then treble that,
> Before a friend of this description
> Shall lose a hair through Bassanio's fault.
> First go with me to church and call me wife,
> And then away to Venice to your friend;
> . . . . . You shall have gold
> To pay the debt twenty times over;
> When it is paid, bring your true friend along. . . (28)

(27) Horace Howard Furness, op. cit., p. 300.
(28) Act III, Sc. ii, lines 294-303.

As in the play, the Jew refused all offers of money and held to his demand for a pound of the merchant's flesh. The novel tells us:

> Every one blamed the Jew; but as Venice was a place where justice was strictly administered, and the Jew had his pretensions grounded on publick and received forms, their only resource was entreaty; and when the merchants of Venice applied to him he was inflexible. (29)

The lady followed her husband to Venice, appearing there in lawyer's dress, and had her servant announce that "he" was a young lawyer who had finished "his" studies at Bologna. "He" then set about "his" plan to release the merchant, in the following way:

> The lawyer caused a proclamation to be made, that whosoever had any law matters to determine, they should have recourse to him: so it was told to Giannetto that a famous lawyer was come from Bologna, who could decide all cases in law. Giannetto proposed to the Jew to apply to this lawyer. With all my heart, says the Jew; but let who will come, I will stick to my bond. They came to this judge and saluted him. Giannetto did not remember him; for he had disguised his face with the juice of certain herbs. Giannetto and the Jew each told the merits of the cause to the judge; who, when he had taken the bond and read it, said to the Jew, I must have you take the hundred thousand ducats, and release this honest man, who will always have a grateful sense of the favour done to him. The Jew replied, I will do no such thing. The judge answered, it will be better for you. The Jew was positive to yield nothing. Upon this they go to the tribunal appointed for such judgements; and our judge says to the Jew, Do you cut a pound of this man's flesh where you choose. . . Giannetto, turning to the judge, this, says he, is not the favour I asked of you. Be quiet, says he, the pound of flesh is not yet cut off. As soon as the Jew was going to begin, Take care what you do, says the judge, if you take more or less than a pound, I will order your head to be struck off; and beside, if you shed one drop of blood you shall be put to death. Your paper makes no mention of the shedding of blood, but says expressly that you may take a pound of flesh, neither more nor less. He immediately sent for the executioner to bring the block

(29) Horace Howard Furness, op. cit., p. 301.

> and axe; and now, says he, if I see one drop of blood, off goes your head. (30)

As in the ballad and the play, the Jew decides to take the money that had been offered him, but the judge refuses to allow him to receive even the amount the merchant had borrowed, saying:

> I will give you nothing; if you will have the pound of flesh, take it; if not, I will order your bond to be protested and annulled. The Jew, seeing he could gain nothing, tore in pieces the bond in a great rage; Ansaldo was released, and conducted home with great joy by Giannetto. (31)

Here again we notice not only points of resemblance between the play and the older story, but striking differences as well. For instance, in the novel we are given no intimation that the lady is possessed of superior intelligence or any knowledge of the law. Shakespeare has made the play more plausible by introducing Portia to the court of Venice by means of a letter of introduction and recommendation from Bellario. This letter refers to the greatness of the young doctor's learning, and we remember that Bellario wrote: "I beseech you, let his lack of years be no impediment to let him lack a reverend estimation; for I never knew so young a body with so old a head." (Act IV, Sc. i, lines 155-157.)

Another point of difference between the novel and the play is that in the novel the court scene is loosely constructed; and we do not receive from it an impression of a trial conducted according to due process of law, as we do in the play. In this respect the novel is unconvincing, the play plausible. If we are inclined to disagree with that statement, and to believe, as Sir Sidney Lee does, that "No judicious reader of The Merchant of Venice. . . can fail to

(30) Horace Howard Furness, op. cit., pp. 301-302.
(31) Ibid., p. 302.

detect a radical unsoundness in Shakespeare's interpretation . . . of legal procedure," (32) it will be well to consider what Sir Dunbar Plunket Barton says regarding the matter. He writes, concerning the trial in The Merchant of Venice:

> The procedure from our English standpoint looks strange and unfamiliar. The Duke presides, but does not adjudicate. He remits the cause to a juris-consult of Padua, who sends a young doctor of Rome to the Court as his deputy. The young doctor disposes of the case without hearing oral evidence. This way of trying a case by referring it to a Doctor of Laws came from the Italian original. Some such procedure was prevalent in medieval Spain and Italy. Modern travellers have met with examples of a similar procedure in Mexico and Nicaragua, where the Hispano-Americans seem to have preserved it like a 'fly in amber.' (33)

Probably Sir Dunbar Plunket Barton, in this preceding sentence, was referring to an article entitled "Shakespeare's Law--The Case of Shylock," by John T. Doyle, which appeared in The Overland Monthly for July, 1886, and which is quoted by Dr. Furness in the Variorum edition of The Merchant of Venice. Mr. Doyle says:

> The Trial Scene has always seemed inconsistent with Shakespeare's supposed legal learning, for the proceedings in it are such as never could have occurred in any court administering English law. Save in the fact that the Scene presents a plaintiff, a defendant, and a judge--characters essential to litigation under any system of procedure--there is no resemblance in the proceedings on the stage to anything that could possibly occur in an English court or any court administering English law. No jury is impanelled to determine the facts, no witnesses called by either side; on the contrary, when the court opens, the Duke who presides is already fully informed of the facts, and has even communicated them in writing to Bellario, a learned judge of Padua, and invited him to come and render judgement in the case; and the extent of his power was to adjourn the court unless the Doctor arrived in season. Such an occurrence as this, we all know, could never take place in a court proceeding according to English methods. . . From my boyhood I regarded it as an instance of the failure of

(33) Sir Plunket Barton, Links Between Shakespeare and the Law, p. 147.

> the cleverest men (not themselves lawyers) to introduce a lawsuit into fiction without violating the common rules of procedure. To make the situation dramatic they invariably make it impossible. I concluded that the failure of others might be excused, when even Shakespeare missed it. Subsequent experience convinced me, however, that he did not miss it, after all. This is how it happened. (34)

In 1851-2 Mr. Doyle acted as agent, for a company which he represented, in Nicaragua. Due to the irregularities of a former agent, he found himself, as representative of his company, involved in various lawsuits, and thereby in touch with a mode of operation of law with which he was utterly unfamiliar. He tells of being accosted one day by a dapper little man who called him by name and said: "The alcalde sends for you." Mr. Doyle was inclined to disregard the message, but was told by a bystander that he had been legally summoned to court. He accordingly presented himself at court and was courteously received there by the alcalde, who caused the plaintiff to be summoned. An examination of a witness or two, and a discussion of the case followed. Then the judge directed the parties to the suit to appear again on a given day, when he would give his decision. Of the proceedings on that day Mr. Doyle writes as follows:

> At the appointed time we attended accordingly, and the Judge read a paper in which all the facts were stated, at the conclusion of which he announced to us that he proposed to submit the question of law involved to Don Buenaventura Selva, a practising lawyer of Grenada, as a 'jurisconsult,' unless some competent objections were made to him. I learned then that I could challenge the proposed jurisconsult for consanguinity, affinity, or favor, just as we challenge a juror. I knew of no cause of challenge against him; my counsel said he was an unexceptionable person; and so he was chosen, and the case was referred to him. Some days after, he returned the papers to the alcalde with his opinion, which was in my favour, and the plaintiff's case was dismissed. (35)

(34) Horace Howard Furness, op. cit., p. 417.
(35) Ibid., p. 418.

Mr. Doyle continues the story by telling us that shortly afterwards he was informed that Don Buenaventura expected from him a gratification, or, as we say, a gratuity, for the service rendered; and he learned that the juris-consult, under this system, is entitled to call upon either plaintiff or defendant for payment for the service he has rendered. In practice, he calls upon whichever one has been successful in the suit.

With the record of another case, this time a Mexican one, Mr. Doyle removes from the path of his understanding the final stumbling-block of the Trial Scene. He had never been satisfied with what he considered to be "the excessively raw justice" meted out to Shylock. He could not see why an action promoted by Shylock to enforce against Antonio the penalty of the pound of flesh should conclude with a judgment against him, whereby he forfeits his fortune, and retains life itself only at the mercy of the Duke. The case to which Mr. Doyle refers in this connection shows that a judgment in favor of the defendant was set aside by a higher court, which sentenced this same defendant to death. Mr. Doyle concludes:

> After reading this record it occurred to me that, in a court proceeding according to such methods as these, a judgement against the plaintiff of forfeiture of life and goods might be supposed, even in an action on a bond, without grossly violating probability; and it seems to me that Shakespeare was acquainted (however he acquired the knowledge) with the modes of procedure in tribunals administering the law of Spain, as well as with those of his own country; if like practice did not obtain in Venice, or if he knew nothing of Venetian law, there was no great improbability in assuming it to resemble that of Spain, considering that both were inherited from a common source, and that the Spanish monarchs had so long exercised dominion in Italy. (36)

(36) Horace Howard Furness, op. cit., p. 420.

The Trial Scene takes on new meaning for us when compared with the account Mr. Doyle has given us of the cases just cited. As in the Nicaraguan case, on the day of the trial the Duke had already heard the evidence, for Shylock says: "I have possess'd your grace of what I purpose. . ."; (37) and the evidence had been submitted to Bellario, the learned doctor whom the Duke had summoned to determine the cause. Bellario, in his letter, refers to having acquainted his young emissary, Balthasar, with the action in controversy, and Portia, when questioned, says: "I am informed throughly of the cause." (38)

To carry the comparison still further, after the case has been decided, and Portia is about to leave the court, the Duke says:

> Antonio, gratify this gentleman,
> For, in my mind, you are much bound to him. (39)

Here, as in the case Mr. Doyle cited, payment, called gratification, is supposed to be made to the juris-consult by the one who has been successful in the suit.

I think we may fairly conclude from the evidence given that, judged on the basis of the legal procedure prevalent in medieval Spain and Italy, rather than on the basis of English law, the Trial Scene becomes at least plausible. Also, that it shows much more careful and exact workmanship than parallel passages in Il Pecerone.

There is one more comparison which we must make between the Merchant of Venice and the novel and ballad with which we have compared it. In both novel and ballad, motive is lacking. In neither one are we given any reason why a Jew, who is supposed to be most

(37) Act IV, Sc. i, line 35.
(38) Ibid., line 166.
(39) Ibid., lines 399-400.

avaricious, should refuse many times the amount of a debt, in order to take in its place the worthless flesh of a debtor.

How differently Shakespeare has handled this situation! He leaves us in no doubt as to Shylock's motive in inveigling Antonio into signing the bond. In Shylock's heart are bitterness and hatred, and in the carefully wrought plan of the bond is the deep design for vengeance. We can feel this tremendous venom when he says:

> How like a fawning publican he looks!
> I hate him for he is a Christian. . .
>
> If I can catch him once upon the hip,
> I will feed fat the ancient grudge I bear him. . .
>
> Cursed be my tribe
> If I forgive him! (40)

And yet he is able to conceal this malignity to the point of making Antonio believe that the bond he is asking him to sign is to be executed merely "in merry sport," and as a proof of his friendship. He says:

> Why, look you, how you storm!
> I would be friends with you and have your love,
> Forget the shames that you have stain'd me with,
> Supply your present wants and take no doit
> Of usance for my moneys, and you'll not hear me:
> This is kind I offer. (41)

Bassanio, however, suspicious of Shylock's motives, sounds a warning note when he says: "I like not fair terms and a villain's mind." (42)

I consider this aspect of the play significant from a legal point of view, because in weighing evidence the matter of intent is taken into consideration; and Shylock's sole intent is murder, not

(40) Act I, Sc. iii, lines 41, 42, 46, 47, 51, 52.
(41) Ibid., lines 133-138.
(42) Ibid., line 175.

the satisfaction of damages for an unpaid debt. We cannot escape being influenced, in judging Portia's conduct of the case, by Shylock's deadly intent.

Not only the Trial Scene, but also the legality of Shylock's bond comes in for its share of discussion. Dr. Furness gives extracts from the writings of three men to show us the nature of the controversy that has centered about this subject. The first of these is Dr. Ihering, author of The Struggle for Law, published in Germany in 1872; and the other two, contemporaries of his, are A. Pietscher and Dr. Joseph Kohler, who are not in agreement with Dr. Ihering's views.

Dr. Ihering says, in part:

> The Poet of course is free to make his own jurisprudence, and we do not regret that Shakespeare has done it here, or rather that he has kept the old story unchanged. But when the jurist undertakes to criticise it, he cannot say otherwise than that the bond was in itself null and void, in that its provisions were contrary to good morals; the Judge, therefore, on this very ground should from the very first have denied it. But since he did not so deny it, since the "second Daniel" acknowledged its validity, it was a wretched quibble, a disgraceful, pettifogging trick, to withhold from the plaintiff the right to draw blood after the right had been granted to take the flesh. . . One might almost believe that this drama of Shylock had been played in the most ancient days of Rome; for the authors of the Twelve Tables held it necessary, in reference to the maiming of a debtor by his creditors, to declare expressly that the creditors should be unrestricted as to the size of the piece taken. (43)

Dr. Kohler, on the other hand, maintains, according to Dr. Furness, that Shylock's bond "is to be regarded not in the light of the jurisprudence of today, but of that period when debtors could be forced to pay with their flesh. . ." He then proceeds, by a review of the comparative jurisprudence of all nations, to prove that the

(43) Horace Howard Furness, op. cit., pp. 410-411.

cruel law of the Twelve Tables, which gave to creditors the right to cut up debtors, and whereof Shylock's bond was the legitimate descendant, was valid law, and concludes:

> Hence we see that the holding of the body of the debtor as security for the debt is an institution of universal application, and where by chance it is modified and assumes a milder type, we are not to ascribe it to superior culture, but to an inferior estimate of the rights of property. (44)

A. Pietscher, who also takes a stand which differs from the view maintained by Dr. Ihering, says:

> I am much afraid that Antonio would have had to succumb, if Ihering had been of his counsel. His only plea was "turpis causa;" if that would not carry him through, he would have given up his client. But his chance of making this plea good, before the Doge and the Senate, was small; they had probably from the first noticed that in this case an abominable design lay concealed under legal forms, but they could not have known how these latter were to be evaded. I believe that I dare assert that at that time in Venice the consideration that "a contract against morals was void" was not yet recognized or regarded as a valid plea. For this consideration, or more properly its recognition in law, belongs only to the higher grades of culture, and always even then depends on the prevailing estimate of what is immoral, and its <u>full</u> significance and worth will have to remain, I suppose, a pious wish. (45)

What may we conclude from this whole matter? First, that since Shakespeare took the pound of flesh story almost intact from sources antedating his play by centuries, it is obviously out of the question to condemn the law surrounding it because of its failure to conform to the law of Shakespeare's day or of our own. In fact, there is no excuse for condemning it because it fails to conform to English law of any time. The Italian setting of the story precludes that.

Then, again, when we remember that law is subject to growth and

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(44) Horace Howard Furness, op. cit., p. 413.
(45) Ibid., p. 412.

change, as is any vital thing; and that it follows, rather than precedes the need for it; it becomes easier for us to accept the bond as a valid legal obligation. George Brandes says in this connection:

> The story illustrates the transition from the unconditional enforcement of strict law to the more modern principle of equity. Thus it afforded an opening for Portia's eloquent contrast between justice and mercy, which the public understood as an assertion of the superiority of Christian ethics to the Jewish insistence on the letter of the law. (46)

And Dr. Hermann Ulrici, the German critic, in his Shakespeare's Dramatic Art, expounds the matter more fully in the following passage:

> As regards the lawsuit between Antonio and the Jew, there can, as I think, be scarcely any doubt that its meaning and significance coincide with the old legal maxim: Summum jus summa injuria. Every one who knows the maxim and its legal significance will unconsciously, when witnessing the celebrated Trial Scene, be struck with its applicability here. For the maxim merely maintains that an acknowledged and positive law turns into its opposite and becomes a wrong when carried to its extreme consequence. Shylock holds fast to the law: forbearance, gentleness, kindliness, and all the lovely names which greet the happy on the threshold of life and accompany them on their paths, he had never known; injustice, harshness, and contempt stood around his cradle, hate and persecution obstructed every step of his career. With convulsive vehemence, therefore, he clutches hold of the law, the small morsel of justice which cannot be withheld even from the Jew. This legal, formal, external justice Shylock obviously has on his side, but by taking and following it to the letter, in absolute one-sidedness, he falls into the deepest, foulest wrong, which then necessarily recoils ruinously upon his own head. (47)

Finally, since we have found that there is sufficient evidence to demonstrate that the procedure in the Trial Scene is not radically unsound, but quite the opposite, we are tempted to conclude that perhaps the critics, rather than Shakespeare, may have been at fault.

(46) George Brandes, William Shakespeare, pp. 157-158.
(47) Horace Howard Furness, op. cit., p. 447.

If we can agree with the conclusion reached, we find our estimate of Portia enhanced by her contact with the law; for we see her as the legal substitute of one who might lawfully decide the case of Shylock versus Antonio,--Dr. Bellario, the juris-consult summoned by the Duke for that purpose; and we find her passing judgment on a bond which is technically sound, but the purpose of which comes into conflict with a law which prevents the taking of life. The cutting of a pound of flesh need not necessarily mean death to the victim, but Antonio's death was Shylock's avowed purpose. It was on the basis of that intent that Portia convicted him, by means of the flaw in the bond; and this flaw was made plausible by Shylock's own insistence on the letter of his bond.

There is, perhaps, danger of attaching too much importance to this consideration of the validity of the legal aspect of the play. After all, it is a picture of life that Shakespeare presents to us, important not so much for the photographic accuracy of its detail, as for its significance. It has value for us, not because it is a report of actual, provable facts, but because it gives us a fuller understanding of life and the motives that control its action.

V

Portia and the Critics.

So far, we have merely been leading up to a study of Portia herself, to an appreciation of those lovely qualities that have inspired many writers of note to express their admiration of her in glowing and enthusiastic words of praise.

Our investigation of the sources of the plot demonstrated that she was not to be found there, and therefore can be truthfully called Shakespeare's own creation.

A review of the principal dramatic presentations of the part, as played by leading actresses over a period from the early eighteenth century to the present day showed that, for the most part, the Portias of the stage have been overshadowed by the Shylocks. There have been many admirable Portias, but perhaps none who have been truly great. It makes one inclined to agree with Hazlitt's statement that "The stage is not in general the best place to study our author's characters in. It is too often filled with traditional commonplace conceptions of the part. . . " (1)

We might add another reason to the one Hazlitt has given; that the impression we receive from a stage presentation of a play is a more or less fleeting one, bound to be dimmed by time. Of course it is true that plays are written to be acted, but only that play will survive which has within itself the elements of universality and immortality. Plays are not dependent upon the players who present them. They owe their life to the characters of the plays them-

(1) William Hazlitt, Characters of Shakespeare's Plays, p. 212.

selves,--to the author's creation, rather than to the artist's representation. Consequently, we must look to something beyond the portrayals of Portia in order to reach an understanding and appreciation of her power and charm.

Neither will our search for the true Portia be furthered very much by an investigation of such technical matters as the literal accuracy of the law surrounding the bond and the trial. After all, plot is but incident, and the significance of the play does not depend on it. It depends rather upon the characters themselves, and the way in which they react to their environment. To be sure, that work of art is greatest which satisfies mind, heart and conscience, and for that reason it should not disregard plausibility. But we found that the plausibility of this plot was enhanced by an examination of the technical criticism dealing with the law matters of the play, because it served to bring to our attention some matters which certain of the critics have overlooked; namely, that in criticising this play we must not lose sight of the time element, the geographical setting, and the mutability of forces which, if looked at in a narrow way, seem to be changeless. Such an investigation as this, while it appears to be narrow, widens our horizon, and so may be said to have served a useful purpose.

If we are to know Portia, it is in the play itself that we must look for her, and in the writings of those who, like ourselves, have sought to become more intimately acquainted with her.

Her words are the mirror of her character. By them she reveals

to us the girlish merriment, the young love, the tender sympathy, the quick wit, and the superior intellect that are hers. Through them the spirit shines which is the goal of our seeking.

To be sure, words are imperfect vehicles of thought, and are capable of being interpreted with some degree of variation by different people. But such is Shakespeare's unusual power in handling language that there is left little room for differences of opinion among the critics. We find some such differences, to be sure, but they are, for the most part, concerned with external matters, such as plot, rather than with character.

William Hazlitt is the outstanding exception to the long list of critics who find Portia admirable. In his Characters of Shakespeare's Plays he says:

> Portia is not a very great favourite with us; neither are we in love with her maid, Nerissa. Portia has a certain degree of affectation and pedantry about her, which is very unusual in Shakespeare's women, but which perhaps was a proper qualification for the office of a "civil doctor," which she undertakes and executes so successfully. The speech about Mercy is very well; but there are a thousand finer ones in Shakespeare. We do not admire the scene of the caskets; and object entirely to the Black Prince, Morocchius. (2)

This criticism has been quoted frequently, and has had, perhaps, too much importance attached to it. It is so obviously a matter of just personal preference rather than a character analysis that it fails to impress us.

Charles Cowden-Clarke wrote concerning this criticism of Hazlitt's:

> I have always regretted that Hazlitt set down that passage. It has been often quoted; and, as his staid opinion, it

(2) William Hazlitt, op. cit., p. 210.

> has awakened a natural opposition to him on the part of those critics who could better perceive the true beauties of Portia's character than they knew of, or could discern, the variable moods of Hazlitt's temperament. Every one who knew him would feel convinced that he penned these words under some temporary fit of spleen, some wayward, momentary feeling of petulance against high-bred women. Hazlitt was very sensitive--personally sensitive--on the score of women's liking toward himself; and he occasionally made some curious mistakes, such as many men who are at once self-diffident and self-confident, intellectually proud and constitutionally shy (for all the qualities are perfectly compatible), often do make about women and women's preferences. Even in his writings these peculiarities are plainly perceptible. . . (3)

In 1832, some fifteen years after Hazlitt had expressed his opinion of Portia, Mrs. Jameson published her book, Characteristics of Shakespeare's Women, in which we find a very different word-picture of Portia. Mrs. Jameson makes a classification of the heroines, and includes Portia in the group called "Characters of Intellect." Of Portia she writes, in part:

> Portia, Isabella, Beatrice, and Rosalind may be classed together, as characters of intellect, because, when compared with others, they are at once distinguished by their mental superiority. In Portia it is intellect kindled into romance by a poetical imagination. . . The wit of Portia is like attar of roses, rich and concentrated. . . As women and individuals, as breathing realities, clothed in flesh and blood, I believe we must assign the first rank to Portia, as uniting in herself in a more eminent degree than the others, all the noblest and most lovable qualities that ever met together in woman.
>
> . . . . . .
>
> Portia is endued with her own share of those delightful qualities which Shakespeare has lavished on many of his female characters; but, besides the dignity, the sweetness, and tenderness which should distinguish her sex generally, she is individualized by qualities peculiar to herself; by her high mental powers, her enthusiasm of temperament, her decision of purpose, and her buoyancy of

(3) Horace Howard Furness, op. cit., pp. 435-436.

> spirit. These are innate; she has other distinguishing qualities more external, and which are the result of the circumstances in which she is placed. Thus she is the heiress of a princely name and countless wealth; a train of obedient pleasures have ever waited round her; and from infancy she has breathed an atmosphere redolent of perfume and blandishment. Accordingly, there is a commanding grace, a high-bred, airy elegance, a spirit of magnificence in all that she says and does, as one to whom splendour had been familiar from her very birth. She treads as though her footsteps had been among marble palaces, beneath roofs of fretted gold, o'er cedar floors and pavements of jasper and porphyry--amid gardens full of statues, and flowers, and fountains, and haunting music. She is full of penetrative wisdom, and genuine tenderness, and lively wit; but as she has never known want, or grief, or fear, or disappointment, her wisdom is without a touch of the sombre or the sad; her affections are all mixed up with faith, hope, and joy; and her wit has not a particle of malevolence or causticity. (4)

If Mrs. Jameson seems somewhat lavish in her praise of Portia, it would be well to remember that she belonged to those romanticists of the nineteenth century, of whom Charles F. Johnson writes that they "were the first to appreciate fully the delicate psychical qualities of Shakespeare's female characters. This is but natural, for the Shakespearean conception of love as something divine and unaccountable and yet permanent is akin to the enthusiasm of the romantic spirit." (5)

In spite of that, Mrs. Jameson's criticism strikes the keynote which all later critics have followed, even into this twentieth century, where we have drawn away from romanticism into the field of realism. Hardly less enthusiastic are the words of Sir E. K. Chambers, following Mrs. Jameson's by nearly a century:

> It (The Merchant of Venice) stands under the domination of Portia, the first and most triumphant of Shakespeare's questing heroines; and its atmosphere is throughout in

(4) Mrs. Jameson, Shakespeare's Heroines, pp. 32, 33, 35, 36.
(5) Charles F. Johnson, Shakespeare and his Critics, p. 242.

> harmony with Portia's sunny hair, and Portia's sunny wit, and Portia's sunny temper. . . (6)

And Sir Arthur Quiller-Couch, also writing in the twentieth century, describes Portia as "the earliest portrait in Shakespeare's long gallery of incomparable women." (7)

Another important criticism by a woman is that of Helena Faucit, Lady Martin, which followed Mrs. Jameson's work by nearly half a century. The series of critical essays which comprise her book, On Some of Shakespeare's Female Characters, were written for the enjoyment of a sick friend, and include only those characters which she herself has portrayed. Lady Martin writes, concerning Portia:

> I have always looked upon her (Portia) as a perfect piece of Nature's handiwork. Her character combines all the graces of the richest womanhood with the strength of purpose, the wise helpfulness and sustained power of the noblest manhood. Indeed, in this instance, Shakespeare shows us that it is the woman's keener wit and insight which see into and overcome the difficulty which has perplexed the wisest heads in Venice. (8)

The greater part of Lady Martin's criticism deals with the Portia of the Trial Scene, which I shall discuss later. This brief quotation is enough to show that she and Mrs. Jameson were in agreement, so far, as to Portia's admirable qualities.

To quote from other criticism of Portia would be merely to repeat, in different words, the ideas already expressed by Mrs. Jameson and the others I have mentioned. But there is one other, by Louis Lewes, which we should not overlook, because he comments on Mrs. Jameson's classification of Portia, along with Isabella, Beatrice and Rosalind, as characters of intellect. Dr. Lewes says:

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(7) Sir Arthur Quiller-Couch, The Workmanship of The Merchant of Venice, p. 444 (North American Review, March, 1916).
(8) Lady Martin, On Some of Shakespeare's Female Characters, p. 25.

> By this she (Mrs. Jameson) does not mean that in these lovely womanly characters intelligence is developed at the expense of the heart, but that, in conjunction with worth and lovable qualities, intellect is pre-eminent in their composition. . . Regarded, however, as real women, we must recognise Portia as the most perfect, because she possesses in a higher degree the noble womanly qualities. She comes nearest to a perfect ideal of lovely and cultivated womanhood.
>
> . . . . . .
>
> He (Shakespeare) found in the source whence he drew, a cunning sorceress, a species of Circe, who deals in magic draughts. Out of this he created that splendid picture of womanhood whose whole being glows with a majestic charm; a ray of purest, divinest loveliness, Portia stands at the highest, most brilliant summit of life. She has been reared in princely opulence, tended with loving devotion; no care has neared her; no cloud has dimmed the heaven of her life. (9)

Portia's own words come flocking to our minds to substantiate these words of praise that have been lavished upon her. We remember the keenness of intellect which shines forth from that speech beginning:

> If to do were as easy as to know what were good to do, chapels had been churches, and poor men's cottages princes' palaces. It is a good divine that follows his own instructions; I can easier teach twenty what were good to be done than be one of the twenty to follow mine own teaching. The brain may devise laws for the blood, but a hot temper leaps o'er a cold decree; such a hare is madness the youth, to skip o'er the meshes of good counsel, the cripple. . . (10)

Each of these sentences has become a maxim, and has found its place in our daily speech.

We also have indirect reference to Portia's intellect in the words of Bassanio, when he is describing her to Antonio:

> Her name is Portia, nothing undervalued
> To Cato's daughter, Brutus' Portia: . . (11)

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(9) Louis Lewes, Shakespeare's Women, pp. 181-182.
(10) Act I, Sc. ii, lines 12-20.
(11) Ibid., lines 165-166.

This other Portia "is described by Plutarch (according to North's translation, published in 1575, and used by Shakespeare) as being famous for 'chastity and greatness of mind,' besides 'well seen in philosophy.' (pp. 798, 996, ed. 1631)." (12)

And how her gayety and sunny spirit brighten her speech to Nerissa, when she says:

> I'll hold thee any wager,
> When we are both accoutred like young men,
> I'll prove the prettier fellow of the two,
> And wear my dagger with the braver grace,
> And speak between the change of man and boy
> With a reed voice, and turn two mincing steps
> Into a manly stride, and speak of frays
> Like a fine bragging youth; and tell quaint lies,
> How honourable ladies sought my love,
> Which I denying, they fell sick and died,
> I could not do withal; then I'll repent,
> And wish, for all that, that I had not kill'd them.
> And twenty of these puny lies I'll tell,
> That men shall swear I have discontinued school
> Above a twelvemonth. . . (13)

If we read what the critics have to say of her generosity, we recall at once her words to Bassanio, when he tells her of his debt to Antonio of three thousand ducats, and Shylock's plan to exact the penalty of the pound of flesh from Antonio, who had bound himself to the Jew for that amount, in order to lend it to Bassanio:

> What, no more?
> Pay him six thousand, and deface the bond;
> Double six thousand, and then treble that,
> Before a friend of this description
> Shall lose a hair through Bassanio's fault. . . (14)

The great lady, gentle, courteous, greets us in her words to her suitor, the Prince of Morocco:

> In terms of choice I am not solely led
> By nice direction of a maiden's eyes;

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(12) Merchant of Venice, Clarendon Press Series, ed. by W. G. Clark and W. A. Wright, notes, p. 84.
(13) Act III, Sc. iv, lines 62-76.
(14) Ibid.,Sc. ii, lines 294-298.

> Besides, the lottery of my destiny
> Bars me the right of voluntary choosing:
> But if my father had not scanted me,
> And hedged me by his wit, to yield myself
> His wife who wins me by that means I told you,
> Yourself, renowned prince, then stood as fair
> As any comer I have look'd on yet
> For my affection. (15)

And how her gentle goodness and lofty spirit shine upon us in her "quality of mercy" speech!

She makes it plain to us that she loves Bassanio, and carries us with her to the height of ecstasy when she says, after Bassanio has chosen the right casket:

> How all the other passions fleet to air,
> As doubtful thoughts, and rash-embraced despair,
> And shuddering fear, and green-eyed jealousy!
> O love, be moderate; allay thy ecstasy;
> In measure rain thy joy; scant this excess.
> I feel too much thy blessing: make it less,
> For fear I surfeit. (16)

No wonder Edward Dowden said of her: "And even Juliet seems but a passionate child of the South when compared with the gracious lady of Belmont, so richly endowed with gifts of mind, so firm of will, so buoyant of temper, so noble in her serious moods, so charming in her play, so great a giver, yet so delicate in her art of giving." (17)

> You see me, Lord Bassanio, where I stand,
> Such as I am: though for myself alone
> I would not be ambitious in my wish,
> To wish myself much better; yet, for you
> I would be trebled twenty times myself;
> A thousand times more fair, ten thousand times more rich,
> That only to stand high in your account,
> I might in virtues, beauties, livings, friends,
> Exceed account. . . (18)

All the beauty of young love speaks in those lines; a love that is more selfless, more ideal, than it can ever be, perhaps, when the

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(15) Act III, Sc. i, lines 13-22.
(16) Act III, Sc. ii, lines 108-114.
(17) Edward Dowden, Introduction to Shakespeare, pp. 66-67.
(18) Act III, Sc. ii, lines 149-157.

toll of years brings greater experience and calmer judgment. That even a poet could so fully understand the heart of a young girl inclines us to agree with the following:

> Books have been written to prove that Shakespeare must at one time have been a lawyer, and a doctor, so many and so varied are his references to details of law and medicine. One commentator reduces this line of argument ad absurdum by maintaining that if this be valid logic, then Shakespeare was a woman, for he shows extraordinary insight into the workings of a woman's mind and heart. (19)

Although we find the critics in almost unanimous agreement concerning those qualities of mind and heart that make Portia what she is, there is one point on which their opinions vary. That point has nothing to do with her character, which all may read from her words, but rather with the "legal quibble", "childish trickery", or what you will, with which she hinders Shylock from taking his pound of flesh:

> This bond doth give thee here no jot of blood;
> The words expressly are a pound of flesh.
> Take then thy bond, take thou thy pound of flesh;
> But, in the cutting it, if thou dost shed
> One drop of Christian blood, thy lands and goods
> Are, by the laws of Venice, confiscate
> Unto the state of Venice. (20)

Mrs. Jameson believes that Portia received from Dr. Bellario the knowledge of the point she might take to defeat Shylock. She writes in this connection:

> But all the finest parts of Portia's character are brought to bear in the trial scene. There she shines forth all her divine self. Her intellectual powers, her elevated sense of religion, her high, honourable principles, her best feelings as a woman, are all displayed. She maintains at first a calm self-command, as one sure of carrying her point in the end! yet the painful heart-thrilling uncertainty in which she keeps the whole court, until suspense verges upon agony, is not contrived for effect merely; it is necessary and inevitable. She has two objects

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(19) E. Charlton Black, Agnes Knox Black, and Jennie Y. Freeman, op. cit., p. 96.
(20) Act IV, Sc. i, lines 299-305.

> in view--to deliver her husband's friend, and to maintain her husband's honour by the discharge of his just debt, though paid out of her own wealth ten times over. It is evident that she would rather owe the safety of Antonio to anything rather than the legal quibble with which her cousin Bellario has armed her, and which she reserves as a last resource. Thus all the speeches addressed to Shylock in the first instance are either direct or indirect experiments on his temper and feelings. She must be understood, from the beginning to the end, as examining with intense anxiety the effect of her own words on his mind and countenance; as watching for that relenting spirit which she hopes to awaken either by reason or persuasion. She begins by an appeal to his mercy, . . . but in vain. . . She next attacks his avarice. . . Then she appeals, in the same breath, both to his avarice and his pity: "Be merciful! Take thrice thy money. Bid me tear the bond." All that she says afterwards--her strong expressions, which are calculated to strike a shuddering horror through the nerves; the reflections she interposes, her delays and circumlocution to give time for any latent feeling of commiseration to display itself; all, all are premeditated, and tend in the same manner to the object she has in view. (21)

Another point of view, differing in some respects from that of Mrs. Jameson, is the one expressed by Helena Faucit, Lady Martin. She voices her opinion as follows:

> Indeed, in this instance, Shakespeare shows us that it is the woman's keener wit and insight which see into and overcome the difficulty which has perplexed the wisest heads in Venice. For, without a doubt, as it seems to me at least, it is to her cultivated and bright intelligence, and not alone to the learned Dr. Bellario her cousin, that Bassanio is indebted for the release of his friend Antonio.
>
> . . . . . .
>
> At first Portia evidently does not realise the extent of the Jew's malignity. She feels that, at any sacrifice, he must be bought over to cancel his bond, and she believes that this is possible. After having read Antonio's letter, she has but one thought--to hasten Bassanio's departure, with ample means to satisfy the Jew. But first she must give him the right to use her means as his own; he must indeed be lord of all. . .
>
> During the time, brief as it can be made, of the preparation

(21) Mrs. Jameson, op. cit., pp. 37-38.

> for the marriage ceremony, Portia will have heard all the particulars of the "merry bond"; she will have discovered that money alone, however squandered, cannot shake the obdurate Jew's determination. Accustomed, as I have before suggested, by her secular training, to look with a judicial mind upon serious matters she, after many questionings about its terms, hits by a happy instinct, as I believe, upon the flaw in the bond. She will say nothing of this to Bassanio before consulting her learned cousin; but hurries him away with her wealth to use as his own, and then herself hastens towards Venice, after despatching a messenger to Bellario, with a letter informing him of her approach, as well as of her belief that she has found a flaw in the bond, and requesting his presence at the trial. (22)

Lady Martin feels sure Portia must have depended upon Bellario's presence in Venice to conduct the case, and also that Bellario must have confirmed her belief as to the flaw in the bond. She fails to see how Portia could have left her home in such a merry mood, and have joked so playfully with Nerissa, if she had known what was before her. She discusses the trial, and concludes:

> The Jew has been probed to the uttermost. It is now clear, beyond all question, that it is Antonio's <u>life</u> which this "merry bond" is intended to purchase, and that nothing short of it will satisfy Shylock's "lodged hate". He has by his own confession brought his life within the compass of the law. Then, like a crushing avalanche, slowly but surely sweeps down upon him the avenging, much-forbearing power, the "something else" which has hitherto been held in hand by the young doctor. Then the blood, which "is not in the bond", which has not been bargained for, flows in to wash away the bond, and to bring on the murderous Jew his just punishment. . . (23)

It is evident that both Mrs. Jameson and Lady Martin were compelled to draw upon their imagination, as any one must, in supplying much that is not to be found in the play. Their theories, as a result, concerning the flaw in the bond, are built quite considerably upon supposition. Many of the premises advanced by them are not

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(22) Lady Martin, op. cit., pp. 25, 30.
(23) Ibid., p. 36.

provable, no matter how carefully we search the text of the play. They are built upon a personal interpretation of the text from the incomplete evidence given; and, since the evidence is incomplete, I believe it is possible to form a different opinion regarding this flaw in the bond.

St. John Ervine had this incompleteness of plot in mind, apparently, when he wrote his article, "The Realistic Test in Drama." Applying this realistic test to the plot of The Merchant of Venice, he said, in part:

> Now, there is no explanation anywhere in the play of the means by which Portia persuaded Dr. Bellario to take his place in this trial. In the fourth scene of the third act, immediately after Bassanio has departed for Venice, Portia suddenly calls Balthazar, a manservant, and asks him to see that a letter, the contents of which are not revealed, is delivered to her cousin: . . .
>
> At that moment, Portia can have no plan in her mind regarding Antonio's trial. If we assume that Bellaric was ill, as stated in his letter to the Duke, there is no evidence in the play that Portia was aware of his illness. She cannot have known that Bellario had any interest in Antonio's trial. She knows none of the facts connected with the case, except those hurriedly given to her by her husband before his departure for Venice. She is ignorant of the laws of Venice, of which she is not a citizen. The extent of her knowledge is that a friend of Bassanio, to whom he is indebted, is in grave trouble; and on the impulse of the moment, and with an egoism which is almost unbelievable, she decides that she and she alone can save Antonio from Shylock. . .
>
> But Portia has still her trick to play. The greatest lawyers and judges of Venice, all strongly predisposed in Antonio's favor, are assembled in the court, but not one of them knows that it is contrary to the laws of Venice for an alien to conspire against the life of a citizen! (24)

We have to admit these omissions of which Mr. Ervine speaks, and to note the following discrepancy: Portia instructs Balthasar:

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(24) St. John Ervine, The Realistic Test in Drama, Yale Review, (January, 1922), pp. 294-297.

> Take this same letter,
> And use thou all the endeavour of a man
> In speed to Padua. See thou render this
> into my cousin's hand, Doctor Bellario;
> And, look, what notes and garments he doth give thee,
> Bring them, I pray thee, with imagin'd speed
> Unto the tranect, to the common ferry
> Which trades to Venice. Waste no time in words,
> But get thee gone; I shall be there before thee. (25)

There is no intimation here that she has any intention of following Balthasar to Padua; and yet, when the Duke asks her if she came from "old Bellario", she replies that she did. And we remember that Bellario's letter reads that "in the instant that your messenger came, in loving visitation was with me a young doctor of Rome; his name is Balthasar. I acquainted him with the cause in controversy between the Jew and Antonio the merchant: we turned o'er many books together: he is furnished with my opinion; which, bettered with his own learning, the greatness whereof I cannot enough commend, comes with him, at my importunity, to fill up your grace's request in my stead. . ." (26)

Mr. Ervine has his own theory about this discrepancy, and places it before us in his play, The Lady of Belmont, the action of which is supposed to take place exactly ten years after the date of Antonio's trial. In this play, Portia, talking with Antonio, tells him that her cousin was not pleased with her for what she did when she defended him (Antonio) from the Jew. Antonio remarks that she presented in court a letter written by Bellario, and Portia agrees that she did, saying she wrote it, too. (27)

Such an action does not seem consistent with the character of

(25) Act III, Sc. iv, lines 47-55.
(26) Act IV, Sc. i, lines 146-144.
(27) St. John Ervine, The Lady of Belmont, Act I.

Portia as it has been drawn for us by Shakespeare. It is only a matter of guess-work, anyway, so there seems to be no point in discussing it. Portia says she came from Bellario; she presents a letter from him; and she is accepted and welcomed by the court. That much the play tells us. Let us proceed from those demonstrable facts.

From the first Portia emphasized the validity of Shylock's claim. We recall that she said to Shylock:

> Of a strange nature is the suit you follow;
> Yet in such rule that the Venetian law
> Cannot impugn you as you do proceed. (28)

And when, questioning Antonio, she asks him if he confesses the bond, upon his affirmation, she says: "Then must the Jew be merciful." (29) Again, when Bassanio says to her:

> Wrest once the law to your authority;
> To do a great right, do a little wrong,
> And curb this cruel devil of his will. (30)

She replies:

> It must not be. There is no power in Venice
> Can alter a decree established:
> 'T will be recorded for a precedent,
> And many an error by the same example
> Will rush into the state. It cannot be. (31)

There is no evidence here to indicate that Portia had any idea of the manner in which she could deflect Shylock from his purpose. Each one of these speeches emphasizes one thing only;--that Portia, at this time, believed that Shylock was within his legal rights in demanding his pound of flesh. If we rely solely on the words of the play, I do not see how we can agree with either Mrs. Jameson, who believes that Portia was armed beforehand with the legal quibble

(28) Act IV, Sc. i, lines 170-172.
(29) Ibid., line 175.
(30) Ibid., lines 208-210
(31) Ibid., lines 211-215.

furnished her by Bellario; or with Lady Martin, who holds that Portia thought of the way out of the legal tangle and provided herself with Bellaric's opinion on the flaw in the bond, before presenting herself at the court.

Bellario's letter commends Portia's learning, to be sure, and says that she is furnished with his opinion, but we are given no inkling as to what his opinion is. I cannot see that we have one word which proves that Bellario found the bond anything but lawful.

May we not reasonably suppose, then, that in turning over the books with Portia, Bellario found nothing in the way of exception to the rigidity of the law which allowed the creditor to collect the penalty when a bond became forfeit. To conclude that a knowledge of law is the only requisite to winning a legal battle is empty reasoning. Shylock knew that. And when he said, "I stay here on my bond," (32) he felt certain that not all the learning of all the learned doctors of Venice, or Padua either, could alter his standing in the court. In the face of Shylock's words:

> The pound of flesh which I demand of him
> Is dearly bought; 't is mine, and I will have it.
> If you deny me, fie upon your law!
> There is no force in the decrees of Venice.
> I stand for judgment. Answer; shall I have it? (33)

the Duke is helpless. He is on the point of dismissing the court until Bellario shall appear, and so evading the issue, when the messenger arrives with the word that Bellario is ill, and sends a young and learned doctor in his stead.

It is easy to believe that Portia enters the court with confidence, although she may believe that Shylock has the law on his side.

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(32) Act IV, Sc. i, line 255.
(33) Ibid., lines 94-98.

There are two reasons for this. In the first place, Portia probably has no doubt as to her power to divert Shylock from his cruel purpose. Her life has been such as to give her self-confidence. She has had wealth, power, and position; many suitors have sought her; and it is quite probable that she has not been crossed or thwarted in any purpose or desire in her life. Then again, she has the power of great wealth at her command; and she probably has no idea that an avaricious Jew would adhere to any purpose if sufficient money were offered him as a substitute. We know that she tries both these remedies in the court. We know that Shylock refuses them both. He turns a deaf ear to her plea for mercy, and refuses the money offered him. Portia has failed. But she does not admit defeat. She asks to see the bond, and we can imagine her careful reading of it, searching for the flaw she cannot find. Again she offers money--thrice the amount of the debt--and bids the Jew be merciful, and again she fails.

It is Shylock himself, I believe, who gives her the clue to the solution. Antonio, unable to bear the suspense any longer, has begged the court to give judgment, and Portia says:

> Why then, thus it is:
> You must prepare your bosom for his knife.
>
> . . . . . .
>
> For the intent and purpose of the law
> Hath full relation to the penalty,
> Which here appeareth due upon the bond.
>
> . . . . . .
>
> Therefore lay bare your bosom. (34)

(34) Act Iv, Sc. i, lines 237, 238, 240-242, 245.

And the gloating Shylock says:

> Ay, his breast;
> So says the bond--doth it not, noble judge?
> Nearest his heart; those are the very words. (35)

Portia admits her defeat in her answering words:

> It is so. (36)

As I interpret it, it is at that point that the play very nearly becomes a tragedy, and earns the title of "tragicomedy", which E. K. Chambers gives it. (37)

Then Antonio's fortunes take an upward turn. Portia says to Shylock:

> Are there balance here to weigh the flesh? (38)

Shylock replies that he has them ready.

Thereupon Portia charges Shylock:

> Have by some surgeon, Shylock, on your charge,
> To stop his wounds, lest he do bleed to death. (39)

Shylock replies:

> Is it so nominated in the bond? (40)

Portia answers:

> It is not so express'd; but what of that?
> 'T were good you do so much for charity. (41)

But Shylock, still obdurate, retorts:

> I cannot find it; 't is not in the bond. (42)

How he harps upon the bond--the bond--the letter of the law. With those insistent repetitions he awakens, I believe, some answering train of thought in Portia's brain, until finally she answers him in kind, and holds him to the letter of his bond:

> This bond doth give thee here no jot of blood;

(35) Act IV, Sc. i, lines 245-247.
(36) Ibid., line 248.
(37) E. K. Chambers, Shakespeare: A Survey, p. 111.
(38) Act IV, Sc. i, line 248.
(39) Ibid., lines 250-251.
(40) Ibid., line 252.
(41) Ibid., lines 253-254.
(42) Ibid., line 255.

> The words expressly are, a pound of flesh.
> Take then thy bond, take thou thy pound of flesh;
> But, in the cutting it, if thou dost shed
> One drop of Christian blood, thy lands and goods
> Are, by the laws of Venice, confiscate
> Unto the state of Venice. (43)

Shylock had rested his case on the narrow confines of his bond. He himself had set the limits to the interpretation of it, and I cannot see why the critics, lawyers and laymen alike, are so quick to blame Portia for taking advantage of the opening Shylock gave her. If one is given the right to take the flesh, they say, why should he be denied the right to shed blood? Accepting that, could we not as justly argue: If one is to be permitted to take the flesh of a debtor, why should that one deny the obligation to take it by such means as would prevent the death of the victim?

Surely these same critics would hesitate to admit that Shylock should have been allowed to triumph, and to murder Antonio; and we can call his purpose by no other name.

Law is a man-made institution, and becomes in some degree outmoded as civilization advances and standards of morality and justice change. And it is not necessary to read very deeply into the history of law to discover that it is subject to growth and development. There comes a time when that which has been legal is seen to work harm and injustice to the individual, for whose protection law is made; and at that time law is changed, and what has been legal heretofore now becomes unlawful.

That is nowhere demonstrated more clearly than in England, in the growth of equity. I quote from Commercial Law Cases, Perrin

(43) Act IV, Sc. i, lines 299-305.

and Babb, on that point:

> In the early growth of the law, the doctrine of precedent was far more rigid than at the present time, and, as manifested in the enforcement of procedural forms in the common law courts of England, led to injustice which could be cured only by direct appeal to the residuary justice administered by the king in accordance with his conscience, rather than by the formal law of precedent applied in the courts. These appeals to the king came to be referred for decision to the council and later to the chancellor, who was the "keeper of the king's conscience" and who decided them in accordance with what he considered to be the conscience of the king.
>
> The administration of such appeals was called equity, as distinguished from the common law. In it we find another source of law. The chancellor, who was not bound by legal doctrine any more than was the king in whose stead he made decisions, was enabled to exercise a greater amount of personal judgment than were the judges of the law courts. . . (The underlining is mine.) (44)

I am not trying to defend Portia's legal procedure on the basis of English law, but merely to show that this branch of the law which is called equity, and which is part of the texture of our law today, made legal provision for the very kind of thing Portia did--the deciding of a case on the ground of human justice, rather than by the iron-clad legal justice which had become of itself unjust. I would even go so far as to say that to condemn Portia is to condemn equity.

The fact that Portia found a way out of this impasse, and served the ends of human justice, by a means which the history of law has shown to be lawful, is to me another proof of that amazing breadth of vision and depth of insight which Shakespeare's work shows.

Let us look at the Trial Scene in another way,--from the view-

(44) Harold L. Perrin and Hugh W. Babb, Commercial Law Cases, Introduction, p. 3.

point of dramatic construction. If we are to agree with Mrs. Jameson that Portia "maintains at first a calm self-command, as one sure of carrying her point in the end," (45) then the action must move forward, so far as Portia is concerned, on the dead level of certainty. But if we take the position that Portia assumes the conduct of the case, relying on her power to win the Jew by appeals to his mercy; or, failing that, by the offer of thrice the sum due; then we have a scene in which there is balance, and marked contrast. As Portia finds her plea for mercy and the offer of money failing to accomplish the purpose of which she was so confident when she entered the court room, her confidence deserts her, and the action, so far as she is concerned, is on the descending scale. Meanwhile Shylock's fortunes seem to be mounting, his cause to be gaining the ascendancy. Then comes the turning point. Portia sees her way out of the tangle, and, as Shylock accepts her pronouncement, his is the falling action, hers the mounting one. As she metes out the punishment which falls with such severity upon him, we have to keep in mind that "punishments in Tudor and Jacobean times were swift and terrible," (46) and that they would not seem so unjust to an audience of Shakespeare's day as they do to us.

Then, lastly, if we accept the premise that Portia entered the court secure in the knowledge of the manner in which she was going to "curb this cruel devil of his will," there is no excuse, moral or artistic, for her allowing Shylock to think that he was entitled by law to take his pound of flesh. To do so would be to practice

(45) Mrs. Jameson, loc. cit.
(46) Sir Dunbar Plunket Barton, op. cit., p. 101.

the most cruel deceit upon him. Such an attitude, to my thinking, robs the mercy speech completely of its significance, making it become as sounding brass. Moreover, it is entirely inconsistent with the character of Portia as shown by other parts of the play. For these reasons, I prefer to believe that Portia had no knowledge of the manner in which she was going to release Antonio from the power of Shylock until that moment in the court room when the case for the merchant seemed to be hopelessly lost.

Dr. Lewes reads a moral lesson into this court scene, interpreting the justice administered there as poetic justice, and finding in Shylock's defeat a triumph of love over selfishness. He says, in his analysis of the scene:

> We must accord a few words to this solution of the process which certainly satisfies our moral sense, but seems, at a superficial glance, to be the result of a sophistical quibble. Portia does not compel the Jew to renounce his bond; he may take his pound of flesh, but at his own risk, for the bond gives him a pound of flesh only. But it is obvious that to cut a pound of flesh from a living man entails, of necessity, the shedding of his blood, and the law of Venice, in common with that of every civilised land, forbids this. There is therefore a contradiction between the law which permits such a contract and the higher one that prohibits the shedding of blood. Here, therefore, we have document against document, letter against letter, in which the weakness and imperfection of human legislation is made apparent, and thus opportunity is given for the solution of the dark problem, which, a moment before, seemed to promise so truly tragic an ending. Portia seeks and finds that which does not annul the bond, but hinders its execution.
>
> The reasonableness and poetic justice of the solution appears to be unmistakable. There is in the discovery and application of this point of law nothing unjudicial, nothing unreasonable. Antonio is saved through Portia's wisdom--not through that of the law, but rather through its weakness, because it had a Shylock to deal with. If the Jew's

> selfishness had not equalled his hate, he might have flung his own life into the scale to destroy his enemy, and the law would not have hindered him; but he could not rise to this pitch of resolution. Portia foresaw this, and calculated upon it. . .
>
> The closing impression left by the play is the triumph of love over selfishness. . . Love stands upon the basis of true justice, for it is the fundamental law of life. Hate stands only upon the semblance of justice, for it undermines the foundations of life. Therefore love must be victorious through Almighty power; hatred, however, and selfishness, proudly and vindictively though they demean themselves, must fall through their own weakness, despite all appearances. (47)

Whether Shakespeare intended for us to read this ethical significance into the story or not is, of course, a question. But, after all, as George Edward Woodberry reminds us:

> The essence of the work, its living power for us, is not what the artist put in it, but what we draw from it; its world-value is not what it was to the artist, but what it is to the world. It is common enough for the reader to find meanings in a book that the writer did not consciously put there; . . Thus arises the paradox which I often maintain, that it is not the poet, but the reader, who writes the poem. . . (48)

Such a statement helps us to understand why we find so many different interpretations of an author's work, as we have in the cited criticisms of the Trial Scene; and it gives us courage to express our own ideas, even if they do not concur with the viewpoint of others.

We have discussed the Portia of the caskets, and the Portia of the Trial Scene. There remains the Portia of the fifth act, the happy wife wo returns with joy to her home in Belmont, after the successful termination of the trial. She has banished the obstacle to her happiness and Bassanio's; and she is ready to greet her lord with all the banter of her fun-loving nature over his parting with the ring

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(47) Louis Lewes, op. cit., pp. 199-200.
(48) George Edward Woodberry, Two Phases of Criticism, in Criticism in America, --. 70-71.

she gave him. She brings a gift for Jessica, and she even has good news for Antonio. Music and merriment, love and laughter, permeate this act, and bring the story to its happy ending.

The critics have given us many charming appreciations of this act. Walter Prichard Eaton describes it as being "an act which is soaked with more of the pure magic of poetry than any other passage of equal length in English literature," (49) and Edward Dowden calls it a "delightful epilogue," saying that "a counterfeit lovers' quarrel must put an edge on the bliss of Bassanio and Portia. If any single thought presides over the double action of the comedy and reappears in a playful way in the fifth act it has reference to the moral force of bonds and promises and inherited obligations. . ." (50)

Mrs. Jameson's criticism of this act bears more directly on Portia, and is as follows:

> In the last act, Shylock and his machinations being dismissed from our thoughts, and the rest of the dramatis personae assembled together at Belmont, all our interest and all our attention are rivetted on Portia, and the conclusion leaves the most delightful impression on the fancy. The playful equivoque of the rings, the sportive trick she puts on her husband, and her thorough enjoyment of the jest, which she checks just as it is proceeding beyond the bounds of propriety, show how little she was displeased by the sacrifice of her gift, and are all consistent with her bright and buoyant spirit. In conclusion, when Portia invites her company to enter her palace to refresh themselves after their travels, and talk over "these events at full," the imagination, unwilling to lose sight of the brilliant group, follows them in gay procession from the lovely moonlight garden to marble halls and princely revels, to splendour and festive mirth, to love and happiness! (51)

"And while all this has been passing, the moon has sunk and every thicket around Belmont has begun to thrill and sing of dawn.

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(49) Walter Prichard Eaton, op. cit., p. 51.
(50) Edward Dowden, op. cit., p. 66.
(51) Mrs. Jameson, op. cit., p. 48.

Portia lifts a hand.

> It is almost morning. . .
> Let us go in." (52)

We recall that it is by means of the rings that the disguise of Portia and Nerissa is revealed. Then Bassanio learns that it was his wife who has saved the life of his friend Antonio, and has thus been the instrument for bringing unclouded happiness to them all.

Of course, we know that Portia and Nerissa were lawyer and clerk, and that they had separated Bassanio and Gratiano from the rings they parted with so reluctantly; and so we can share with Shakespeare the fun that so dominates this Act. How Gratiano tries to defend himself against Nerissa's chiding, and to make it appear that the ring is not of such importance or value that they need quarrel about it! Nerissa declares he gave it to a woman; Gratiano swears he gave it to

> a youth,
> A kind of boy, a little scrubbed boy,
> No higher than thyself, the judge's clerk,
> A prating boy, that begg'd it as a fee; . . (53)

Gratiano will have more explaining still to do when he discovers the terms in which he has described his listening wife!

Then Portia takes a hand in the discussion:

> You were to blame, I must be plain with you,
> To part so slightly with your wife's first gift; . .
> I gave my love a ring, and made him swear
> Never to part with it; and here he stands.
> I dare be sworn for him, he would not leave it,
> Nor pluck it from his finger, for the wealth
> That the world masters. . . (54)

Poor Bassanio! Now it is his turn to confess, explain, protest, and swear that never again will he break oath with Portia.

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(52) Sir Arthur Quiller-Couch, op. cit., p. 448.
(53) Act V, Sc. i, lines 159-162.
(54) Ibid., lines 164, 165, 168-172.

After that we move swiftly to the happy ending. Portia returns to Bassanio the ring with which he had parted, and reveals that she was the doctor, and Nerissa her clerk, in the trial just completed. Antonio is given a letter announcing that certain of his ships have safely come to harbor; and Jessica is given the deed of gift signed by Shylock, her father.

The luster of this Fifth Act has been somewhat dimmed, since the Macklin revival, by the Trial Scene, which has assumed an importance out of proportion with its relation to the rest of the play. After all, the play is a comedy rather than a tragedy, and Shylock is the villain of the piece. When we consider how the Jews were regarded in Shakespeare's day, it is not to be believed that Shakespeare meant Shylock to dominate the play in the manner in which he does today. Walter Prichard Eaton makes that plain when he says:

> It was never intended that he (Shylock) should so fill the minds and hearts of the spectators that the play was over when he left the scene. Perhaps it is Shakespeare's fault that he does this, as most actors play him. Being the tool of his own creative faculty when characterization was concerned, Shakespeare could not help making Shylock a vivid human being, and the longer he was on the stage, the more human, the more vital, he grew. It is difficult, if not impossible to-day, to read The Merchant of Venice without feeling Shylock as the intellectual superior of every other character. Still, that does not alter the fact that in Shakespeare's scheme and in the minds of Shakespeare's audiences he was, however human, of an inferior caste, over whom one would waste no sympathy as he was thwarted in his revenge--from whom one would pass on to the moonlit serenity of the final act, when his social and racial superiors, whom he had made to suffer for a while, were happily united. (55)

The result of this over-emphasis placed on Shylock in modern presentations of the play has been to lessen Portia's significance

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(55) Walter Prichard Eaton, op. cit., p. 56.

in it. This predominance of Shylock is due mainly to two things: First, to the changing attitude toward his race; and second, to the actors who have so altered the conception of the part that they now present him as a persecuted man, cheated of his rights, rather than as a vindictive enemy, thwarted in his murderous intent. Shylock, like any other human, has his noble, as well as his ignoble traits, and a balanced portrayal would show us both sides of his nature in their just proportions. Only by such a presentation will he be kept within the bounds of his rightful place in the play; and only by such a presentation will the character of Portia have the opportunity to shine with its true radiande. The Portias of the stage have not as yet measured up to the conception of the character that is practically unanimous among the critics. A really great Portia of the stage is yet to appear. If such a one comes, and could be supported by a Shylock who was neither tragedian nor villain, but a judicious mixture of the two, then perhaps, we might have not only "the Jew that Shakespeare drew," but also the Portia that Shakespeare drew.

And so we bring this study of Portia to a close, with our opinion of her charm and worth strengthened and confirmed by the appreciation of others; and, in conclusion, give one final picture of Portia, as she is portrayed for us by William H. Fleming:

> At the beginning of the play she was the dutiful daughter, abiding by the will of her father. She was the maiden longing to be loved. Then she appears as the much-wooed heiress. By her witty criticism of her suitors she manifests her keen intellect, her womanly intuition. When Bassanio has made the successful choice, she surrenders herself unreservedly to the man she loves. In the Trial Scene, con-

trasted with Shylock, who represents justice, she is the embodiment of mercy. In this character she personates a man. On the conclusion of the Trial Scene her womanhood asserts itself in the mischief, fun, frolic, of the Ring Episode. That is the last manifestation of her girlhood. Later, that gives way to the loving wife, the accomplished hostess, welcoming to her home at Belmont her husband's friend Antonio, the lovers Gratiano and Nerissa, Lorenzo and Jessica, and the young friends of Bassanio. She is the dominating spirit of the Catastrophe. She was that in the Trial Scene; in the Episode of the Rings; in her own mansion at Belmont. As she reveals herself in these different situations, we find her trained in the prodigality of nature. In her, perfectly balanced, highly developed, we find the practical and the imaginative, the emotional and the intellectual, sweetness and strength. Over all, and pervading all, is that indefinable but unmistakable quality which we call charm. She is an example of radiant womanhood. (56)

(56) William H. Fleming, op. cit., pp. 225-226.

VI

Conclusion

And so we return to our starting point, the Portia of the play, with a deeper understanding of her character, and an increased admiration for her dignity, charm, and lofty spirit. It has been a delight to make the acquaintance of all those writers who have found her admirable; and from a study of their descriptions and opinions has come additional appreciation of Portia's qualities of mind and heart, as well as an increased esthetic experience.

We did not find her in those older stories from which her story was drawn. She is the child of Shakespeare's brain, owing nothing to those older tales of her goodness, her intellectual power, or the magic of her words. She lives in this play alone, and has no counterpart elsewhere. The critics may find certain parts of the plot of The Merchant of Venice to be farciful, improbable, unreal; but Portia herself is real, and vital, and altogether admirable. No matter how much the critics may find fault with the story, they express themselves in the superlatives of praise when describing Portia herself. Her character is consistently developed, and gives us that feeling of esthetic satisfaction which comes only from the realization of the fact that the work which the author has given us is fundamentally sound and true. Such a character portrayal is a work of art, and as such worthy of our study and appreciation.

Our little journey into the annals of the stage led us to the conclusion that the truly great Portia of the stage is yet to come; that those of the past have been over-shadowed, for the most

part, by the Shylocks; and that even those who have been considered greatest in the part have not measured up to the ideal Portia the critics have painted for us.

Then there was the excursion into the field of law, to search for evidence that Shakespeare was within the bounds of possibility in the law of the bond and the trial scene. The conclusion of the whole matter was that at some time such a bond was legal; and that a time came when equity and the old law came into conflict, with a resulting change in favor of equity. We observed the danger of emphasizing too strongly such a technical matter as the absolute and provable accuracy of such a point; reminding ourselves that a work of art, limited in time, must forsake the realism of exact detail for a semblance, a unified appearance, which would produce the result of the necessary significance of the piece. Shakespeare is not a realist, in the modern sense of the word. For that we may be thankful. He gives us romance, in this comedy, and bears us, on the magic carpet of imagination, into a world far removed from the humdrum of daily life. It is not what the Trial Scene gives us in fidelity to the fact of the law, but what it gives us of significance, that is of value.

As for the opinions of critics as regards Portia's character, we find among them such a unanimity of favorable opinion as to justify us in our belief that Portia is worthy of study, and that she merits fully the high praise that has been bestowed upon her.

The end of a pleasant journey usually finds the traveler eager

to start out again. Perhaps the trip just taken has been somewhat limited, of necessity. And the pleasant scenes call us back for a more thorough and leisurely enjoyment than we were able to obtain on our first trip.

I have found this journey such a one. And, since it tempts me back again to a still further search for fresh viewpoints on the character of Portia, and a more extended and leisurely reading of all that pertains to her, I see no reason for calling this stopping place

THE END.

A Comprehensive Summary.

In the introduction to my thesis I stated the aim, which was to make a character study of Portia in The Merchant of Venice, by studying the sources of the plot; the dramatic representations of the play; the law of the Trial Scene; and the writings of critics who have analyzed the character of Portia; also, by giving my own interpretation of her qualities, based on a study of the play.

I then reviewed the sources of the plot in order to discover if we could find in any of them a character resembling Portia. I found that the only story in which there was a woman who disguised herself as a lawyer and saved her husband's friend was Il Pecerone; and the woman described there was of such character that I felt justified in reaching the conclusion that Portia was a character of Shakespeare's own creation, although he borrowed the incidents of her story.

The next survey I made was of the Portias of the stage, both in England and in America; and concluded, from the evidence obtainable, that for the most part the Portias have not been as outstanding as the Shylocks; that many celebrated actresses have played the part; and that there has been a steady refinement in the art of depicting the character of Portia; and, finally, that we are justified in believing that the future may have still greater Portias in store for us.

I next made a study of the law in the Trial Scene, quoting the conflicting opinions of several critics. I reached the conclusions that there is sufficient evidence to show that the law of the Trial

Scene has its counterpart, even today, in certain sections of Spanish and Mexican territory; that some of the critics have failed to take into consideration the time element and the geographical setting of the story; and that the more we study this question of the law of the Trial Scene, the deeper becomes the significance of Portia as arbiter between the rigidity of the older law and the human justice of the more modern principle of equity.

The next step in my essay was to present a character study of Portia as the critics have seen her. I followed this by my own interpretation of her acts and qualities of mind, based on a study of her own words in the play. And I concluded with a review of the criticism surrounding the Fifth Act of the play.

Finally, in my conclusion, I summarised the work covered in the thesis.

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I found this book of more value than any other in writing my thesis.

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